

THE NATIONAL ARCHIVES
LITTERA
SCRIPTA
MANET
OF THE UNITED STATES

FEDERAL REGISTER

1934

VOLUME 5 NUMBER 95

Washington, Wednesday, May 15, 1940

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Wheat 41-2]

PART 728—PROCLAMATION PERTAINING TO TOTAL SUPPLY AND NORMAL SUPPLY OF WHEAT FOR THE 1940-41 MARKETING YEAR AND THE NATIONAL ACREAGE ALLOTMENT FOR THE 1941 CROP OF WHEAT

Whereas, the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 332. Not later than July 15 of each marketing year for wheat, the Secretary [of Agriculture] shall ascertain and proclaim the total supply and the normal supply of wheat for such marketing year, and the national acreage allotment for the next crop of wheat.

SEC. 333. The national acreage allotment for any crop of wheat shall be that acreage which the Secretary determines will, on the basis of the national average yield for wheat, produce an amount thereof adequate, together with the estimated carryover at the beginning of the marketing year for such crop, to make available a supply for such marketing year equal to a normal year's domestic consumption and exports plus 30 per centum thereof. The national acreage allotment for wheat for 1938 shall be sixty-two million five hundred thousand acres. The national acreage allotment for wheat for any year shall be not less than fifty-five million acres;

Whereas said act contains, in section 301 (b), the following definitions of terms here pertinent:

"Carry-over" of wheat, for any marketing year shall be the quantity of wheat on hand in the United States at the beginning of such marketing year, not including any wheat which was produced in the United States during the calendar year then current, and not including any wheat held by the Federal Crop Insurance Corporation under Title V.

"Marketing year" means, in the case of the following commodities, the period beginning on the first and ending with the second date specified below:

Wheat, July 1-June 30.

"Normal supply" in the case of * * * wheat shall be a normal year's domestic consumption and exports of the commodity, plus * * * 15 per centum in the case of wheat, of a normal year's domestic con-

sumption and exports, as an allowance for a normal carry-over.

"Normal year's domestic consumption", in the case of * * * wheat, shall be the yearly average quantity of the commodity, wherever produced, that was consumed [consumed] in the United States during the ten marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption.

"Normal year's exports" in the case of * * * wheat shall be the yearly average quantity of the commodity produced in the United States that was exported from the United States during the ten marketing years * * * immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

"Total supply" of * * * wheat for any marketing year shall be the carry-over of the commodity for such marketing year plus the estimated production of the commodity in the United States during the calendar year in which such marketing year begins;

and

Whereas said act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act:

Now, therefore, be it known that I, H. A. Wallace, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of the authority vested in the Secretary of Agriculture by the Agricultural Adjustment Act of 1938, as amended, upon the basis of the latest available statistics of the Federal Government do hereby find, determine, and proclaim under sections 332 and 333 of said Act that:

§ 728.201 *Total supply, normal supply, and 1941 national allotment for wheat.* (a) The "total supply" of wheat for the marketing year commencing July 1, 1940, is 949 million bushels.

(b) The "normal supply" of wheat for the marketing year commencing July 1, 1940, is 872 million bushels.

(c) The national acreage allotment for the 1941 crop of wheat is 62 million acres. (Sec. 332, 333, 301 (b), 301 (c), 52 Stat. 53, 39, 43, 775; 53 Stat. 1125; 7 U.S.C., Supp. IV, 1332, 1333, 1301)

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Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the **FEDERAL REGISTER** will be furnished by mail to subscribers, free of postage, for \$1.25 per month or \$12.50 per year; single copies 10 cents each; payable in advance. Remit money order payable to the Superintendent of Documents directly to the Government Printing Office, Washington, D. C.

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Done at Washington, D. C., this 13th day of May 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1941; Filed, May 14, 1940; 10:58 a. m.]

[Wheat 41-3]

PART 728—1941 STATE WHEAT ACREAGE ALLOTMENTS

Whereas, the Agricultural Adjustment Act of 1938, as amended, provides:

SEC. 334. (a) The national acreage allotment for wheat shall be apportioned by the Secretary among the several States on the basis of the acreage seeded for the production of wheat during the ten calendar years immediately preceding the calendar year in which the national acreage allotment is determined (plus, in applicable years, the acreage diverted under previous agricultural adjustment and conservation programs), with adjustments for abnormal weather conditions and for trends in acreage during such period.

Whereas, said Act provides, in section 301 (c), that

The latest available statistics of the Federal Government shall be used by the Secretary [of Agriculture] in making the determinations required to be made by the Secretary under this Act;

By virtue of the authority vested in the Secretary of Agriculture by the above-quoted sections of the Agricultural Adjustment Act of 1938, as amended, upon the basis of latest available statistics of the Federal Government, the national acreage allotment for wheat for 1941 is hereby apportioned among the several States as follows:

§ 728.202 1941 State allotments for wheat.

	Acres
Alabama	5,433
Arizona	35,793
Arkansas	67,549
California	699,447
Colorado	1,473,720
Connecticut	
Delaware	73,567
Florida	
Georgia	140,058
Idaho	994,637
Illinois	1,936,653
Indiana	1,604,332
Iowa	455,834
Kansas	12,798,697
Kentucky	409,528
Louisiana	
Maine	4,283
Maryland	382,487
Massachusetts	
Michigan	740,613
Minnesota	1,652,047
Mississippi	
Missouri	1,955,278
Montana	3,767,254
Nebraska	3,553,082
Nevada	14,679
New Hampshire	
New Jersey	54,455
New Mexico	357,617
New York	239,496
North Carolina	400,512
North Dakota	8,935,948
Ohio	1,847,042
Oklahoma	4,508,595
Oregon	849,116
Pennsylvania	850,089
Rhode Island	
South Carolina	126,165
South Dakota	3,254,973
Tennessee	376,432
Texas	4,253,335
Utah	235,469
Vermont	
Virginia	525,716
Washington	1,850,918
West Virginia	131,521
Wisconsin	99,047
Wyoming	338,583
Total	62,000,000

(Sec. 334 (a), 301 (c), 52 Stat. 53, 43; 7 U.S.C., Supp. 1334, 1301)

Done at Washington, D. C., this 13th day of May 1940. Witness my hand and the seal of the Department of Agriculture.

[SEAL] H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 40-1942; Filed, May 14, 1940; 10:58 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

NOTICE UNDER PACKERS AND STOCKYARDS ACT¹

MAY 13, 1940.

To W. J. HOLLENBECK,
Doing business as Hollenbeck Sales,
Twin Falls, Idaho.

Notice is hereby given that after inquiry, as provided by Section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. Sec. 202 (b)), it has been ascertained by me that the stockyard known as the Hollenbeck Sales, at Twin Falls, State of Idaho, is subject to the provisions of said Act.

The attention of stockyard owners, market agencies, dealers, and other persons concerned is directed to Sections 303 and 306 (7 U.S.C. Secs. 203 and 207) and other pertinent provisions of said Act and the rules and regulations issued thereunder by the Secretary of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 40-1940; Filed, May 14, 1940; 10:58 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 2986]

IN THE MATTER OF STANDARD BRANDS, INCORPORATED, ET AL.

§ 3.45 (e) (1.5) *Discriminating in price—Indirect discrimination—Charges and prices—Periodic quantity purchase base—Multi-unit group selling, single unit deliveries regardless.* Discriminating in price, in connection with offer, sale and distribution of foil yeast in interstate commerce or in District of Columbia, between different purchasers of said product of like grade and quality, either directly or indirectly, by selling said foil yeast at different prices, to wit: 300 pieces per month and up, 27 cents per dozen; under 300 pieces per month, 30 cents per dozen, as set forth in Paragraph Fifteen of said findings of fact as modified [i. e., as there set out, through selling at said lower price such foil yeast to units of corporate, voluntary and cooperative groups, regardless of quantity delivered during any one month to any one unit of such groups, members of which were competitively engaged under like circumstances and conditions with independent

¹ Modifies list posted stockyards 9 CFR 204.1.

retailers who purchased comparable quantities and did not receive benefit of lower price and differential concerned, which did not make only due allowance for differences in cost of sale and delivery resulting from differing quantities in which such foil yeast was to such purchasers sold and delivered, and under which differential, amounting annually to substantial sum, some preferred purchasers realized substantial savings annually over other purchasers who did not receive benefit thereof; with result that effect of such price discrimination by said corporations might be substantially to lessen competition or tend to create a monopoly in the sale and distribution of foil yeast in respective lines of commerce in which they and their customers receiving benefits of such discriminatory prices were engaged, and to injure or prevent competition with customers receiving such benefits], prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13 (a)) [Modified cease and desist order, Standard Brands, Incorporated, et al., Docket 2986, May 1, 1940]

IN THE MATTER OF STANDARD BRANDS, INCORPORATED AND STANDARD BRANDS OF CALIFORNIA

ORDER MODIFYING THE FINDINGS AS TO THE FACTS AND ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 1st day of May, A. D. 1940.

This matter coming on to be heard by the Commission upon a stipulation pertaining to the sale and distribution of "Foil Yeast", and the Commission having duly considered said stipulation and the record herein, and being now fully advised in the premises;

It is ordered, That the report, findings as to the facts and the order entered in the above case on June 15, 1939, be, and the same is hereby, modified in the following manner:

Paragraph Fifteen of the findings as to the facts is hereby deleted and in lieu thereof the following new Paragraph Fifteen is inserted:

PAR. 15. Respondents sold in commerce immediately prior to April 1, 1940, foil yeast according to the following price scale: 300 pieces and up per month, 27¢ a dozen; under 300 pieces per month, 30¢ a dozen.

Respondents sold said foil yeast to units of corporate, voluntary and cooperative groups at 27¢ a dozen regardless of the quantity delivered during any one month to any one unit of such groups, and to independent retailers taking more than 300 pieces per month. The members of the said groups were and are competitively engaged under like circumstances and conditions with independent retailers who did not and do not receive such lower prices and who purchase com-

parable quantities. Said differentials in price do not make only due allowance for differences in the cost of sale and delivery resulting from the differing quantities in which such foil yeast is to such purchasers sold and delivered. The said differential in price amounts annually to substantial sums, so that some preferred purchasers realized substantial savings annually over other purchasers that did not receive the benefit of said differential. The Commission finds that the effect of such price discrimination by the respondents may be, substantially to lessen competition or tend to create a monopoly in the sale and distribution of foil yeast in respective lines of commerce in which respondents and their customers, receiving the benefits of such discriminatory prices, are engaged and to injure or prevent competition with customers receiving the benefit of such discrimination.

Subsequent to March 31, 1940, respondents, in the course and conduct of their business as aforesaid, in commerce, have sold and do sell to the aforementioned groups foil yeast at 28½¢ per dozen and sell to competing independent retailers, taking less than 300 pieces per month at 30¢ per dozen, and to those competing independent retailers, taking more than 300 pieces per month, at 28½¢ per dozen. Said differential in price makes only due allowance for the differences in the cost of sale and delivery resulting from the differing quantities in which such foil yeast is to such purchasers sold and delivered.

It is further ordered, That the order dismissing the complaint insofar as it applies to the sale and distribution of foil yeast, is hereby vacated.

It is further ordered, That the respondents, Standard Brands, Incorporated, and Standard Brands of California, their officers, representatives, agents and employees, directly or indirectly, in connection with the offering for sale, sale and distribution of foil yeast in interstate commerce, or in the District of Columbia, do forthwith cease and desist from discriminating in price between different purchasers of foil yeast of like grade and quality, either directly or indirectly, by selling said foil yeast at different prices, to wit: 300 pieces per month and up, 27¢ per dozen; under 300 pieces per month, 30¢ per dozen, as set forth in Paragraph Fifteen of said findings of fact as modified.

It is further ordered, That the respondents shall on or before May 1, 1940, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order, as modified.

By the Commission, Commissioner Freer not participating.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1948; Filed, May 14, 1940; 11:14 a. m.]

[Docket No. 3839]

IN THE MATTER OF PRUDENTIAL SALES CORPORATION

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. Supplying, etc., in connection with offer, etc., in commerce, of electric shavers, wrist watches and numerous other articles, others with any merchandise together with punch boards, push or pull cards or other lottery devices, which said punch boards, push or pull cards or other lottery devices are to be, or may be, used in selling or distributing such merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prudential Sales Corporation, Docket 3839, May 2, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. Supplying, etc., in connection with offer, etc., in commerce, of electric shavers, wrist watches and numerous other articles, others with punch boards, push or pull cards or other lottery devices, either with assortments of merchandise, or separately, which said punch boards, push or pull cards or other lottery devices are to be, or may be, used in selling or distributing said merchandise to the public, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prudential Sales Corporation, Docket 3839, May 2, 1940]

§ 3.99 (b) *Using or selling lottery devices—In merchandising*. Selling, etc., in connection with offer, etc., in commerce, of electric shavers, wrist watches and numerous other articles, any merchandise by the use of push or pull cards, punch boards or other lottery devices, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prudential Sales Corporation, Docket 3839, May 2, 1940]

§ 3.6 (r) (2.5) *Advertising falsely or misleadingly—Prices—Exaggerated as regular and customary*: § 3.6 (gg) *Advertising falsely or misleadingly—Value*. Representing, in connection with offer, etc., in commerce, of electric shavers, wrist watches and numerous other articles, as the customary or regular prices or values of respondent's electric shavers prices and values which are in fact fictitious and greatly in excess of the prices at which such electric shavers are customarily offered for sale and sold in the normal course of business, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prudential Sales Corporation, Docket 3839, May 2, 1940]

§ 3.6 (j15) *Advertising falsely or misleadingly—Identity*: § 3.6 (cc) (3) *Advertising falsely or misleadingly—Source or origin—Maker*: § 3.96 (a) (3) *Using misleading name—Goods—Identity*: § 3.96 (a) (9) *Using misleading name—*

Goods—Source or origin—Maker. Using, in connection with offer, etc., in commerce, of electric shavers, wrist watches and numerous other articles, the trade name "Packard" or the trade name of any other electric shaver in connection with a picture of an electric shaver, or separately, in such manner as to indicate that respondent is offering an electric shaver bearing such trade name, when in fact the respondent uses such trade name to refer to an article of merchandise other than an electric shaver, or using, in such connection, a trade name usually associated with a particular article of merchandise in connection with a picture of such article, or separately, in such a manner as to indicate that the merchandise offered by the respondent is the same as that usually associated with such trade name, when the respondent is actually offering merchandise other than that usually associated with such trade name, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prudential Sales Corporation, Docket 3839, May 2, 1940]

§ 3.6 (c) **Advertising falsely or misleadingly—Composition of goods.** Using, in connection with offer, etc., in commerce, of electric shavers, wrist watches and numerous other articles, the word "wool" or any other word or term descriptive of wool to describe, designate or in any way refer to any fabric or product which is not composed wholly of wool, prohibited; subject to the provision, however, that in the case of fabrics or products composed in part of wool and in part of other fabrics, such words may be used as descriptive of the wool content if there is used in immediate connection or conjunction therewith, in letters of at least equal size and conspicuousness, words truthfully describing and designating each constituent fiber or material thereof in the order of its predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prudential Sales Corporation, Docket 3839, May 2, 1940]

§ 3.6 (c) **Advertising falsely or misleadingly—Composition of goods:** § 3.96 (a) (1) **Using misleading name—Goods—Composition.** Using, in connection with offer, etc., in commerce, of electric shavers, wrist watches and numerous other articles, the word "Elkskein" or any other simulation of the word "elkskein" to describe or refer to sports jackets or other articles of merchandise which are not made from the skin of an elk tanned by the chrome process, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prudential Sales Corporation, Docket 3839, May 2, 1940]

§ 3.6 (i) **Advertising falsely or misleadingly—Free goods or service:** § 3.72 (e) **Offering deceptive inducements to**

purchase—Free Goods: § 3.72 (n10) **Offering deceptive inducements to purchase—Terms and conditions:** § 3.80 (i) **Securing agents or representatives falsely or misleadingly—Terms and conditions.** Using, in connection with offer, etc., in commerce, of electric shavers, wrist watches and numerous other articles, the term "free" or any other term of similar import or meaning to describe or refer to goods, wares or merchandise regularly included in a combination offer with other articles of merchandise or which are given as compensation for services, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Prudential Sales Corporation, Docket 3839, May 2, 1940]

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1940.

This proceeding having been heard¹ by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Prudential Sales Corporation, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of electric shavers, wrist watches, electric roasters, smoking ensembles, blankets, clocks, radios, silverware, electric mixers, vacuum cleaners, sports jackets, pen and pencil sets, flash lights or any other merchandise in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to or placing in the hands of others any merchandise together with punch boards, push or pull cards or other lottery devices which said punch boards, push or pull cards or other lottery devices are to be used or may be used in selling or distributing such merchandise to the public;

(2) Supplying to or placing in the hands of others, punch boards, push or pull cards or other lottery devices either with assortments of merchandise, or separately, which said punch boards, push or pull cards or other lottery devices are to be used or may be used in selling or distributing said merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by the use of push or pull cards, punch boards or other lottery devices;

(4) Representing as the customary or regular prices or values of respondent's electric shavers prices and values which are in fact fictitious and greatly in excess of the prices at which such electric shavers are customarily offered for sale and sold in the normal course of business;

(5) Using the trade name "Packard" or the trade name of any other electric shaver in connection with a picture of an electric shaver, or separately, in such manner as to indicate that respondent is offering an electric shaver bearing such trade name when in fact the respondent uses such trade name to refer to an article of merchandise other than an electric shaver;

(6) Using a trade name usually associated with a particular article of merchandise in connection with a picture of such article or separately in such a manner as to indicate that the merchandise offered by the respondent is the same as that usually associated with such trade name when the respondent is actually offering merchandise other than that usually associated with such trade name;

(7) Using the word "wool" or any other word or term descriptive of wool to describe, designate or in any way refer to any fabric or product which is not composed wholly of wool, provided, however, that in the case of fabrics or products composed in part of wool and in part of other fabrics, such words may be used as descriptive of the wool content if there is used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber or material thereof in the order of its predominance by weight beginning with the largest single constituent;

(8) Using the word "Elkskein" or any other simulation of the word "elkskein" to describe or refer to sports jackets or other articles of merchandise which are not made from the skin of an elk tanned by the chrome process;

(9) Using the term "free" or any other term of similar import or meaning to describe or refer to goods, wares or merchandise regularly included in a combination offer with other articles of merchandise or which are given as compensation for services.

It is further ordered, That the respondent shall within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1949; Filed, May 14, 1940; 11:14 a. m.]

¹ 4 F.R. 4439.

[Docket No. 4004]

IN THE MATTER OF THE CHAPMAN HEALTH PRODUCTS COMPANY, ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety.* Disseminating, etc., advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of respondents' "N. A. R. Tablets" and "Faid" (otherwise known as "Daintee"), or other similar medicinal preparations, which advertisements fail to reveal that use of said "Faid" may result in serious and irreparable injury to health, or represent, directly or through implication, (1) that said "N. A. R. Tablets" preparation is a cure or remedy for rheumatism, neuritis or arthritis, or possesses any therapeutic value in the treatment of any of said ailments, other than to afford temporary relief from the pains caused by said ailments, or (2) that said "Faid" or "Daintee" preparation is a cure or remedy for obesity or is a competent, safe or scientific treatment therefor, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, The Chapman Health Products Company et al., Docket 4004, May 2, 1940]

IN THE MATTER OF THE CHAPMAN HEALTH PRODUCTS COMPANY, A CORPORATION, JOHN W. CHAPMAN AND NELLIE C. CHAPMAN, INDIVIDUALLY AND AS OFFICERS OF THE CHAPMAN HEALTH PRODUCTS COMPANY

ORDER TO CEASE AND DESIST

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of May, A. D. 1940.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, The Chapman Health Products Company, a corporation, and its officers, and John W. Chapman and Nellie C. Chapman, individually and as officers of The Chapman Health Products Company, and their respective agents, representatives and employees, directly or through any corporate or other device, do forthwith cease and desist from:

Disseminating or causing to be disseminated any advertisement by means of the United States mails or in commerce, as "commerce" is defined in the Federal Trade Commission Act, by any means for the purpose of inducing or which is likely

to induce, directly or indirectly, the purchase of the medicinal preparations designated as "N. A. R. Tablets", and as "Faid" (otherwise known as "Daintee"), or any other medicinal preparations composed of substantially similar ingredients or possessing substantially similar therapeutic properties, whether sold under the same name or under any other name or names, or disseminating or causing to be disseminated any advertisements, by any means, for the purpose of inducing or which are likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said medicinal preparations, which advertisements, when referring to the product "Faid", fail to reveal that the use of said preparation "Faid" may result in serious and irreparable injury to health, or which advertisements represent, directly or through implication:

1. That said preparation designated as "N. A. R. Tablets", is a cure or remedy for rheumatism, neuritis or arthritis, or that said preparation possesses any therapeutic value in the treatment of any of said ailments, other than to afford temporary relief from the pains caused by said ailments.

2. That said preparation designated as "Faid", otherwise known as "Daintee", is a cure or remedy for obesity or is a competent, safe or scientific treatment for obesity.

It is further ordered, That the respondents shall, within ten (10) days after the service upon them of this order, file with the Commission an interim report in writing, stating whether they intend to comply with this order, and if so, the manner and form in which they intend to comply; and that within sixty (60) days after the service upon them of this order, said respondents shall file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 40-1950; Filed, May 14, 1940;
11:14 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 4970]

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

LABELING AND REUSE OF CONTAINERS OF DISTILLED SPIRITS

MAY 11, 1940.

To District Supervisors and Others Concerned:

Section 175.3 (m) of Regulations 13¹ (Part 175, Title 26, Code of Federal Regu-

¹ 5 FR. 1245.

lations, 1940 Sup.) is amended to read as follows:

(m) The term "age" shall have the meaning given to such term by definition (j) of Article I of Regulations 5² (27 CFR, Part 5), Relating to labeling and advertising of distilled spirits, issued under the Federal Alcohol Administration Act, in effect as of July 1, 1938, and shall be stated in the manner provided in section 39 of Article III of said regulations: *Provided, however*, That the actual age may be stated as to whisky withdrawn prior to April 1, 1937 from cisterns at distilleries registered under the internal revenue laws, and as to such whisky which, when blended or rectified, does not contain spirits other than those withdrawn prior to April 1, 1937 from distilleries registered under the internal revenue laws.

Section 175.3 (n) of Regulations 13 (Part 175, Title 26, Code of Federal Regulations, 1940 Sup.) is amended to read as follows:

(n) The term "kind" shall have the respective meanings given to such term by the "Standards of identity for distilled spirits" set forth in Article II of Regulations 5 (27 CFR, Part 5), Relating to labeling and advertising of distilled spirits, issued under the Federal Alcohol Administration Act, in effect as of July 1, 1938, and theretofore, as to spirits produced in the respective periods covered by such regulations, and shall be stated as to spirits produced in each such period in the manner provided in section 34 of Article III of said regulations: *Provided, however*, That the actual kind may be stated as to distilled spirits withdrawn prior to April 1, 1937, from cisterns at distilleries registered under the internal revenue laws, and as to all blends thereof, and as to all such spirits rectified without the addition of spirits other than those withdrawn prior to April 1, 1937, from cisterns at distilleries registered under the internal revenue laws.

Section 175.9 (d) of Regulations 13 (Part 175, Title 26, Code of Federal Regulations, 1940 Sup.) is amended to read as follows:

(d) If whisky, not blended or rectified, the age thereof, but this statement shall not be required as to Scotch, Irish, or Canadian whisky, or whisky bottled in bond. As to whisky withdrawn on or after April 1, 1937 from cisterns at distilleries registered under the internal revenue laws, and stored in reused cooperage, the period of such storage shall be stated in the form heretofore prescribed for such statements by Regulations 5 (27 CFR, Part 5), Relating to labeling and advertising of distilled spirits, issued under the Federal Alcohol Administration Act.

Section 175.9 (e) of Regulations 13 (Part 175, Title 26, Code of Federal Reg-

² 5 FR. 886.

ulations, 1940 Sup.) is amended to read as follows:

(e) If blended or rectified whisky, the age of the youngest whisky therein, but this statement shall not be required as to Scotch, Irish, or Canadian whisky; and the respective percentage, by volume, of whisky or whiskies, and neutral spirits. As to whisky withdrawn on or after April 1, 1937 from cisterns at distilleries registered under the internal revenue laws, and stored in reused cooperage, and used in blending or rectification, the period of such storage shall be stated in the form heretofore prescribed for such statements by Regulations 5 (27 CFR, Part 5), Relating to labeling and advertising of distilled spirits, issued under the Federal Alcohol Administration Act.

Section 175.14 of Regulations 13 (Part 175, Title 26, Code of Federal Regulations, 1940 Sup.) is amended to read as follows:

Reuse of containers. The reuse for packaging distilled spirits for sale at retail of liquor bottles or other authorized marked containers, as defined herein, is prohibited: Provided, That bottles or other authorized containers of distilled spirits, which have not been sold to the consumer or opened, may be returned to the bottler filling the same for reuse, pursuant to authorization by the district supervisor of the district in which the bottler is located, upon the filing by the bottler of an application (Form 98).

(This Treasury Decision is prescribed pursuant to the authority conferred by Section 2871 of the Internal Revenue Code.)

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 40-1939; Filed, May 13, 1940;
2:46 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 556—MINIMUM WAGE RATES IN THE WOOLEN INDUSTRY

Whereas, on January 7, 1939, pursuant to section 5 of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor by Administrative Order No. 11,¹ appointed Industry Committee No. 1-A for the Woolen Industry, and directed the Committee to recommend minimum wage rates for the Woolen Industry in accordance with the provisions of Section 8 of the Act; and

Whereas the Committee included five disinterested persons representing the public and a like number of persons representing employees in the Woolen In-

dustry, and a like number representing employers in the Industry, and each group was appointed with due regard to the geographical regions in which the Industry is carried on; and

Whereas, on December 28, 1939, after investigation of conditions in the Industry, the Committee filed with the Administrator a report containing its recommendation for a 36-cent an hour minimum wage rate in the Woolen Industry; and

Whereas, after notice published in the FEDERAL REGISTER on January 18, 1940, Thomas Holland, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., which commenced on February 5, 1940, and was concluded on February 7, 1940, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer was transmitted to the Administrator; and

Whereas all persons appearing at said public hearing before the Presiding Officer were given leave to file briefs on or before March 20, 1940; and

Whereas oral argument was held on April 1, 1940, before the Administrator; and

Whereas, the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to Sections 5 and 8, concludes that the Industry Committee recommendation for the Woolen Industry as defined in Administrative Order No. 24,² is made in accordance with law, is supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Administrator's Findings and Opinion in the Matter of the Recommendation of Industry Committee No. 1-A for a Minimum Wage Rate in the Woolen Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore, it is ordered that

§ 556.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.*

§ 556.2 *Wage Rates.* Wages at a rate not less than 36 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the Woolen Industry who is engaged in com-

merce or in the production of goods for commerce.*

§ 556.3 *Posting of Notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Woolen Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 556.4 *Definition of woolen industry.* The Woolen Industry, to which this Order shall apply, is hereby defined as follows:

(a) The manufacturing or processing of all yarns (other than carpet yarns) spun entirely from wool or animal fiber (other than silk); and all processes preparatory thereto;

(b) The manufacturing, dyeing or other finishing of fabrics and blankets (other than carpets, rugs and pile fabrics) woven from yarns spun entirely of wool or animal fiber (other than silk);

(c) The manufacturing, dyeing, or other finishing of fulled suitings, coatings, topcoatings, and overcoatings knit from yarns spun entirely of wool or animal fiber (other than silk);

(d) The picking of rags and clips made entirely from wool or animal fiber (other than silk), and the garnering of wool or animal fiber (other than silk) from rags, clips, or mill waste; and other processes related thereto;

(e) The manufacturing of batting, wadding or filling made entirely of wool or animal fiber (other than silk);

(f) The manufacturing or processing of all yarns (other than carpet yarns) spun from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except the manufacturing or processing on systems other than the woolen system of yarns containing not more than 45 percent by weight of wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber;

(g) The manufacturing, dyeing or other finishing of the products enumerated in clauses (b), (c), (d), and (e) from wool or animal fiber (other than silk) in combination with cotton, silk, flax, jute or any synthetic fiber; except products containing not more than 25 percent by weight of wool or animal fiber (other than silk), with a margin of tolerance of 2 percent to meet the exigencies of manufacture.*

§ 556.5 *Effective date.* This Wage Order shall become effective on the 17th day of June, 1940.*

Signed at Washington, D. C., this 13th day of May 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-1952; Filed, May 14, 1940;
11:20 a. m.]

¹ 4 FR. 109.

² 4 FR. 2124.

* §§ 556.1 to 556.5, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

PART 557—MINIMUM WAGE RATES IN THE
HAT INDUSTRY

Whereas, on March 7, 1939, pursuant to section 5 of the Fair Labor Standards Act of 1938, hereinafter called the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 16,¹ appointed Industry Committee No. 4 for the Hat Industry, hereinafter called the Committee, and directed the Committee to recommend minimum wage rates for said industry in accordance with the provisions of the Act and rules and regulations promulgated thereunder; and

Whereas, the Committee included five disinterested persons representing the public, and a like number of persons representing employees in the industry, and a like number representing employers in the industry, and the members of each group were appointed with due regard to the geographical regions in which the Hat Industry is carried on; and

Whereas, on November 25, 1939, the Committee, after investigating conditions in the industry, filed with the Administrator a report containing its recommendations for minimum wage rates in the Hat Industry, namely—forty cents per hour to employees engaged in the production of fur-felt and wool-felt hats and hat bodies, hatters' furs, and silk and opera hats; thirty-five cents per hour to employees engaged in the production of men's or boys' straw or harvest hats (except in Puerto Rico); and thirty cents per hour to employees engaged in the production, in Puerto Rico, of men's or boys' straw or harvest hats; and

Whereas, pursuant to notices published in the FEDERAL REGISTER on November 28, 1939, and December 16, 1939, a public hearing upon the Committee's recommendations was held before Oscar R. Strackbein as Presiding Officer, beginning on December 18, 1939, at which all interested persons were given an opportunity to be heard; and

Whereas, the complete record of the hearing before the Presiding Officer was transmitted to the Administrator, and all persons who appeared at said hearing were given leave to submit briefs, and were given opportunity on March 25, 1940, to present oral argument to the Administrator; and

Whereas, the Administrator, upon reviewing all of the evidence adduced in this proceeding and after giving consideration to the arguments presented in this proceeding and to the provisions of the Act, particularly Sections 5 and 8 thereof, has concluded that the separate recommendations of the Committee for minimum wage rates in the Hat Industry, as defined in Administrative Order No. 16, and amended by Administrative Order No. 22,² were severally and jointly made in accordance with the law, are supported by the evidence adduced

at the hearing, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of Section 8 of the Act; and

Whereas, the Administrator has set forth his decision in an opinion entitled "Administrator's Opinion and Findings in the Matter of the Recommendations of Industry Committee No. 4 for Minimum Wage Rates in the Hat Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, Washington, D. C.;

Now, therefore, it is ordered that

§ 557.1 *Approval of recommendations of Industry Committee.* The Committee's recommendations and each of them are hereby approved.*

§ 557.2 *Wage rates.* (a) Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the hatters' furs division of the Hat Industry who is engaged in commerce or in the production of goods for commerce;

(b) Wages at a rate not less than 40 cents an hour shall be paid under section 6 of the Act by every employer to each of his employees in the fur-felt hat and hat body division of the Hat Industry who is engaged in commerce or in the production of goods for commerce;

(c) Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the wool-felt hat and hat body division of the Hat Industry who is engaged in commerce or in the production of goods for commerce;

(d) Wages at a rate not less than 40 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the silk and opera hat division of the Hat Industry who is engaged in commerce or in the production of goods for commerce;

(e) Wages at a rate not less than 35 cents an hour shall be paid under Section 6 of the Act by every employer to each of his employees in the straw and harvest hat division of the Hat Industry (except in Puerto Rico) who is engaged in commerce or in the production of goods for commerce; and at a rate not less than 30 cents an hour to each of his employees in the straw and harvest hat division of the Hat Industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.*

§ 557.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Hat Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division

of the United States Department of Labor.*

§ 557.4 *Definition of the Hat Industry and divisions thereof.* The Hat Industry, and the several industries which are divisions thereof, to which this Wage Order and its several provisions shall apply, are hereby defined as follows:

Hat Industry. (a) The manufacture from any material of headwear for men or boys, except caps and cloth hats;

(b) the manufacture of felt hat bodies from fur or wool for men's, boys', women's or children's hats;

(c) the manufacture or processing of hatters' furs.

Hatters' Furs Industry. The manufacture or processing of hatters' furs.

Fur-felt Hat and Hat Body Industry. The manufacture of felt headwear of fur for men or boys, or felt hat bodies of fur for men's, boys', women's or children's hats.

Wool-felt Hat and Hat Body Industry. The manufacture of felt headwear of wool for men or boys, or felt hat bodies of wool for men's, boys', women's or children's hats.

Silk and Opera Hat Industry. The manufacture of silk and opera hats.

Straw and Harvest Hat Industry. The manufacture of men's or boys' straw or harvest hats, the term "straw" being used in the trade sense and not being confined to materials made from natural fibers.*

§ 557.5 *Effective date.* This Wage Order shall become effective July 1, 1940.*

Signed at Washington, D. C., this 13th day of May 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-1951; Filed, May 14, 1940;
11:20 a. m.]

TITLE 31—MONEY AND FINANCE:
TREASURY

CHAPTER I—MONETARY OFFICES

PART 136—GENERAL LICENSE NO. 6 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED,¹ AND REGULATIONS ISSUED PURSUANT THERETO,² RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

GOVERNMENT OF THE NETHERLANDS

A general license is hereby granted authorizing all payments, transfers and withdrawals from accounts of the Government of the Netherlands.*

[SEAL] H. MORGENTHAU, JR.,
Secretary of the Treasury.

MAY 13, 1940.

[F. R. Doc. 40-1943; Filed, May 14, 1940;
11:09 a. m.]

¹ 5 F.R. 1677.

² 5 F.R. 1680.

*Part 136; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; Ex. Order 6560, Jan. 15, 1934; Ex. Order 8389, April 10, 1940; Ex. Order 8405, May 10, 1940; Regulations, April 10, 1940, as amended May 10, 1940.

¹ 4 F.R. 1186.

² 4 F.R. 1953.

*§§ 557.1 to 557.5, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup. IV, 208.

PART 137—GENERAL LICENSE No. 7 UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED,¹ AND REGULATIONS ISSUED PURSUANT THERETO,² RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

GOVERNMENT OF BELGIUM AND BANQUE NATIONALE DE BELGIQUE

A general license is hereby granted authorizing all payments, transfers and withdrawals from accounts of the Government of Belgium and the Banque Nationale de Belgique.*

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

MAY 13, 1940.

[F. R. Doc. 40-1944; Filed, May 14, 1940; 11:09 a. m.]

PART 138—GENERAL LICENSE No. 8 UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED,¹ AND REGULATIONS ISSUED PURSUANT THERETO,² RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JAVASCHE BANK, ET AL.

A general license is hereby granted authorizing banking institutions within the United States to make all payments, transfers and withdrawals from accounts in the name of any of the following: Javasche Bank, Nederlandsche Handel-Maatschappij, Nederlandsch Indische Handelsbank and Nederlandsch-Indische Escompto Maatschappij.

Banking institutions within the United States making such payments, transfers, or withdrawals shall file promptly with the appropriate Federal Reserve bank weekly reports showing the details of the transactions during such period.**

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

MAY 13, 1940.

[F. R. Doc. 40-1945; Filed, May 14, 1940; 11:09 a. m.]

TITLE 34—NAVY

CHAPTER I—DEPARTMENT OF THE NAVY

PART 6—NAVAL RESERVE

SUBPART B—PROCUREMENT

[The Table of Contents and Subpart A appeared in the issue for Tuesday, May 14, 1940]

General Requirements

§ 6.2101 *Persons eligible for the Naval Reserve.* (1) Except as provided in

¹ 5 F.R. 1677.

² 5 F.R. 1680.

*Part 137; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560; Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; Regulations, April 10, 1940, as amended May 10, 1940.

**Part 138; Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; Public Resolution No. 69, 76th Congress; 12 U.S.C. 95a; E.O. 6560; Jan. 15, 1934; E.O. 8389, April 10, 1940; E.O. 8405, May 10, 1940; Regulations, April 10, 1940, as amended, May 10, 1940.

chapter XI hereof, only male citizens of the United States and of the insular possessions of the United States who have attained the age of 17 and who, by appointment or enlistment therein, or by transfer thereto, obligate themselves to serve in the Navy in time of war or when in the opinion of the President a national emergency exists, are eligible for membership in the Naval Reserve.

(2) No person who is drawing a pension, disability allowance, disability compensation, or retired pay from the Government of the United States, is eligible for appointment, enlistment, or reenlistment in the Naval Reserve.

(3) All statements made in applications for appointment or enlistment are held to be material facts and any misstatement or omission of such material facts will be considered as grounds for discharge.

§ 6.2102 *Procurement policy—General.* (1) A basic requisite of the Naval Reserve is its immediate availability for mobilization, and its members are under a continuous liability therefor. The vital importance of the civilian effort in modern warfare is also recognized. Consequently an individual whose civilian occupation, either personally or as one of a group, is such that his immediate separation from his civilian occupation on mobilization will not be to the best interests of the national defense should not be admitted to the Naval Reserve. The foregoing principles should constantly be borne in mind by those responsible for the procurement of officers and men. Applicants should understand that upon accepting any Reserve status it is continuously assumed thereafter that they are immediately available for any naval service on mobilization.

(2) Persons whose availability for mobilization is considered by the Bureau of Navigation to be incompatible with the availability requirements in paragraph (1) hereof, or who are civilian employees of the Navy shall not be appointed or enlisted in or transferred to the Organized Reserve.

(3) The provisions of paragraph (2) hereof shall likewise apply to the Fleet Reserve and Volunteer Reserve except as follows:

(a) Especially desirable applicants may be commissioned in the Volunteer Reserve even if not immediately available for mobilization provided they will be so available within 30 days thereafter.

(b) A civilian employee of the Navy may be commissioned in the Volunteer Reserve provided that his services are required to fill a mobilization billet in the organization in which he is employed, and that he cannot satisfactorily perform such duty in civilian status.

(c) Persons whose special qualifications and services the Chief of the Bureau of Navigation deems to be of outstanding value to the Navy, may be commissioned in the Volunteer Reserve even though their civilian status may preclude their being ordered to active duty on mobilization. Before such a person shall be ap-

pointed, a mobilization billet shall be specifically approved by the Bureau of Navigation. The procurement and mobilization quotas and the charges against these because of such appointments, shall conform to the requirements of § 6.1406.

(4) Availability for mobilization of persons employed in merchant ships will not be a factor in determining eligibility for commission or enlistment in the Merchant Marine Reserve. It is considered that the mobilization of Merchant Marine Reservists other than those serving in ships taken over by the Navy would unduly interfere with the normal operation of the Merchant Marine. Insofar as practicable, it is therefore proposed to man merchant ships placed in commission with their own licensed and unlicensed personnel.

§ 6.2103 *Procurement of officers.* (1) The commissioning of an officer in the Naval Reserve makes him a part of the Naval Establishment, the standards of which must not be jeopardized through failure to insure that his character, ability and loyalty conform thereto and will be maintained throughout his commissioned status. The Bureau of Navigation considers the approval or disapproval of applications for appointment in the Naval Reserve and recommendations for waivers, of such importance as to warrant the personal attention of the District Commandants, whenever practicable. When it is impracticable for the Commandant to interview a candidate personally, the forwarding endorsement shall so state. In addition to the interview by the Commandant, each candidate shall be personally interviewed by not less than two suitable officers, one of whom, when practicable (Medical Board excluded) shall be of the corps or branch to which the candidate aspires. Each shall record his opinion as to the candidate's fitness for appointment, especially as to his officer-like qualities, as part of the forwarding report. Where it is impracticable for a candidate to apply at district headquarters or to the Chief of Staff of a district for interview, the Commandant may designate two suitable officers for interview who reside nearest the vicinity of the candidate. Retired officers of the Navy and Marine Corps and Naval Reserve officers of suitable rank and proven judgment may be designated for this duty, subject to their own consent. Action on applications for appointment, unaccompanied by reports of the foregoing interviews, will be deferred until such reports are received.

(2) As a matter of policy, the Bureau of Navigation will not approve appointments in the Naval Reserve of foreign-born persons who have been naturalized less than 10 years, and who have not resided continuously during the 10-year period in the United States.

(3) Before an application is forwarded to the Department, an investigation of the candidate will be made. The investigation must be sufficiently thorough to permit positive recommendation and to satisfy the Commandant of the candi-

date's whole-hearted loyalty and of his moral and professional qualifications for appointment as an officer in the Naval Reserve. The following checks, insofar as necessary to satisfy this requirement, should be made:

(a) Personal interview, telephone contact, or other means for verification of the letters of recommendation submitted by the candidate. Verification of letters includes questions of authenticity, degree of positiveness, and character of the signer.

(b) Check of candidate's statements in general with respect to his employment, previous service or work, interviews, or other contacts with employers.

(c) Check of candidate's moral standing, standing in community, background, integrity, and racial extraction.

(d) Nature of associates, personal characteristics, type of memberships in organizations.

(e) Evaluation of the reasons given by the candidate for wishing to join the Naval Reserve.

(4) If, as a result of the personal interviews and investigations, there remains any doubt as to the loyal intentions of the candidate or as to the bad effect of any influences to which he may be subject, the forwarding endorsement should so state.

(5) In regard to personnel available for conducting the investigations and checks, the services of any officer or officers who may be available and suitable for this duty may be utilized, including active or retired officers of the regular Navy, Marine Corps, or of the Naval Reserve. In each naval district there are specialists whose talents particularly fit them for such investigations and checks. Every officer of the Naval Reserve should have a sufficient interest in the suitability of those who seek to become a part thereof to justify his giving a reasonable amount of time and effort in assisting in these investigations and checks. Local liaison in each naval district with other Government agencies may often serve the interests of the Navy in assisting the Commandant to verify the suitability of candidates. Commandants should cooperate with local Army and Marine Corps procurement agencies in interchanging information regarding candidates found to be undesirable on account of other than physical or professional reasons.

(6) For the purpose of insuring maximum security to the Naval Establishment from undesirables, Form I, No. 3 (f) shall be used in reporting investigations of candidates, and shall accompany all applications. Form I, No. 3 (f) is considered to have been properly submitted when the remark "Satisfactory" can be entered under each item, or other remarks as may be found necessary, and the whole subscribed to by the officer or officers designated to make the investigation. For detailed instructions in the

use of this form see paragraph (3) hereof.

§ 6.2104 *Officers, cadets, and midshipmen—by whom appointed and term of service.* (1) Persons appointed to commissioned grades in the Naval Reserve shall be commissioned by the President to serve during the pleasure of the President.

(2) Persons appointed to warrant grades shall be warranted by the Secretary of the Navy to serve during the pleasure of the Secretary of the Navy. Unless justified by exceptional circumstances, appointments to warrant grades will not be made during peace times, except in the Merchant Marine Reserve.

(3) Aviation cadets and cadets, Merchant Marine Reserve, shall be appointed by the Secretary of the Navy to serve during the pleasure of the Secretary of the Navy. Appointments to the grade of midshipman will be made only during times of threatened emergency, in accordance with instructions issued by the Bureau of Navigation in separate publications.

(4) Officers above the grade of lieutenant commander will be procured in accordance with § 6.3503.

§ 6.2105 *Appointments of Officers—Responsibility for.* (1) The Bureau of Navigation is charged with the approval or disapproval of applications for appointment in the Naval Reserve and may recommend such applicants as meet its requirements to the Secretary of the Navy for commission or appointment. In making its recommendations, due consideration will be given by the Bureau of Navigation to the recommendations of the Commandant of the naval district through whom the application is submitted, to the recommendations of the Bureau or office of the Navy Department having cognizance of the specialty for which appointment is sought, as to professional qualifications, and to the recommendations of the Bureau of Medicine and Surgery as to physical qualifications.

(2) Commandants of naval districts are charged with the responsibility of procuring and recommending candidates for appointment as officers of all classes of the Naval Reserve under general instructions of the Bureau of Navigation, except those who are commissioned after graduation from Naval R. O. T. C. units and other training activities directly under the Bureau's supervision.

(3) Officers of the Organized Reserve will be procured only to fill vacancies in units of the Organized Reserve and allowed quotas.

(4) Officers of the Volunteer Reserve (General Service) will be procured within quotas.

(5) Officers of the Volunteer Reserve (Special Service) will be procured within quotas, to fill assigned mobilization stations, both within and without the naval district.

(6) Commandants of naval districts are responsible for the procurement of

officers of the Merchant Marine Reserve, in accordance with instructions issued by the Bureau of Navigation.

§ 6.2106 *Procedure in making application for appointment.* (1) Applications for commission in the Organized Reserve, or Volunteer Reserve (other than classes A-V (S), A-V (T), A-V (K), and Naval R. O. T. C. graduates) shall be submitted on BuNav Form N. Nav. 353. In the cases of applications for appointment in class I-V (S), this shall be accompanied by form ONI No. 1 (f), in duplicate. Applications from Naval R. O. T. C. graduates for commission shall be submitted in accordance with the regulations for administration and training of the Naval Reserve Officers Training Corps.

(2) All applications must show and be signed with the full legal names of applicants, and in the cases of Special Service officers and staff officers, be forwarded to the Bureau of Navigation via (1) the Bureau or Office of the Navy Department concerned and (2) the Bureau of Medicine and Surgery. Applications for appointment in the Organized Reserve, Volunteer Reserve, and Merchant Marine Reserve shall be forward to the Bureau of Navigation via the Bureau of Medicine and Surgery and other bureau or office concerned. They must be accompanied by or include the following:

*(a) Evidence of citizenship as shown below.

If native born:

(1) A duly verified copy of a public or church record of birth, or

(2) The affidavit, under oath, of the physician, midwife, or other persons present at the birth.

(3) In cases where neither (1) nor (2) can be obtained by the candidate, the affidavit of either parent.

(4) In cases where the candidate certifies that no one of the above is obtainable, the affidavits (under oath) of two reputable citizens acquainted with him. Each of these affidavits should state the facts within the knowledge of the deponent upon which he bases his statements as to the citizenship of the candidate, as for example, that he has known the candidate since birth, that he knew his parents, or as the case may be.

If foreign born:

(5) Certificate of naturalization, under the seal of the court in which naturalized.

(6) Certificate of naturalization, under the seal of the court in which naturalized, of the parent during the minority of the candidate, together with the affidavit of a parent that the candidate is the child of the parent whose certificate of naturalization is submitted.

(7) In special cases where the candidate certifies that neither (5) nor (6) is obtainable, the affidavits of two rep-

*These items not required with applications for appointment in classes D-M, E-M, and DE-M.

utable citizens acquainted with him (see par. 4, under native-born citizens). As every naturalization is a matter of record in some court, these affidavits will be accepted only in very exceptional cases, and on the understanding that the candidate shall later submit a proper certificate of naturalization.

* (b) Properly authenticated transcript of educational qualifications.

(c) Fingerprint Records, N. Nav. 2.

* (d) Three or more letters of recommendations, and at least three references of individuals who are prominent in the community, who may be personally contacted for information regarding applicant. These letters and references should serve to furnish information as to the applicant's moral, mental and professional qualifications. In case the candidate is an enlisted man, a transcript of service record and recommendation of his commanding officer, in addition to other letters of recommendation.

(e) Report of physical examination, Bureau M. & S. Form Y, except the report of candidates for classes A-O, A-V (G) and A-V (T) shall be on Form N. M. S. Aviation No. 1.

(f) Two recent photographs of the applicant's head and shoulders, one profile and one full-face, each about 2½ inches by 2½ inches.

(g) Statement as to prior military or naval service.

(h) Statement as to receipt or non-receipt of pension, compensation or retired pay from the Government of the United States.

* (i) Statements from employer or responsible authority as to availability for active duty on mobilization, when the conditions specified in § 6.2102 (3) apply.

* (j) Statement from Commandant as to the character of mobilization assignment for which candidate is qualified and is required.

* (k) Statement from Commandant as to vacancy in quota.

(l) Report of interview by Commandant or officers designated by Commandant to interview or investigate the candidate. This report should afford reviewing officers a clear picture of the applicant's prospective value as a Naval Reserve officer, with special reference to officer-like qualities as distinguished from technical or professional qualifications, which latter are otherwise reported upon. (See § 6.2103 (6))

(m) Statement from applicant for appointment in Supply Corps that he accepts the provisions of § 6.1906 and will, if appointed, file partially executed bond, signature cards and application for bond.

(n) Except as indicated below, an agreement to complete a correspondence course in Navy Regulations and Customs within 2 years after appointment. Candidates for appointment in the Fleet Re-

serve, ex-officers of the regular Navy or Marine Corps, candidates for appointment in the Merchant Marine Reserve, aviation cadets, officers of class A-V (N), graduates of the United States Naval Academy, graduates of the Naval R. O. T. C. Units, Ensigns Volunteer Reserve (probationary) and staff officers under agreement to enroll in appropriate correspondence course for their corps, will not be required to execute the foregoing agreement.

(3) Applications for appointment in class A-V (S), A-V (T), or A-V (K) shall be submitted on Bureau of Navigation Form N. Nav. 392, and in addition to the above must be accompanied by:

(a) Duly certified statements of total pilot time, with types of aircraft and pilot time for past 12 months (required for class A-V (T) only).

(b) Brief résumé (in applicant's own handwriting) of flying, aviation engineering, and business experience (including experience in aerial navigation and radio communication, if any), and any other information which may assist the Department in evaluating special qualifications.

(4) Applications for appointment as deck and/or engineer officers in the Merchant Marine Reserve shall be made on Bureau of Navigation Form N. Nav. 145, in accordance with instructions issued by the Bureau of Navigation. Applications will be accompanied by items listed in subparagraph (2) hereof with exceptions as noted therein.

§ 6.2107 *Ages for original appointments as officers.* The limiting ages for original appointments in the Naval Reserve are prescribed as follows:

Grade	Age limits in years			
	Organized Reserve	Volunteer, general	Volunteer, special	Merchant Marine
Commander			145	
Lieutenant commander			137	30-54
Lieutenant			131	27-52
Lieutenant (jg)	21-32	21-32	125	24-50
Ensign	21-28	21-28	121	21-44
Ensign (probationary)		21-26		

¹ Minimum.

Upper age limits are to the nearest birthday.

In general, an officer will not be appointed when his age is such that he will be retired or discharged for age in grade within 4 years of such appointment.

Requirements for Original Appointments of Officers, Organized Reserve, and Volunteer Reserve (General Service)

§ 6.2201 *Officers of classes D-O, DE-O, E-O, D-V (G), DE-V (G), E-V (G), and C-V (G).* (1) Officers of classes D-O, DE-O, and E-O required for battalions and divisions of the Organized Reserve and officers of the Volunteer Reserve (General Service), classes D-V (G), DE-V (G), E-V (G), and C-V (G)

shall be appointed from the following sources:

(a) Graduates of the Naval Reserve Officers' Training Corps.

(b) Officers of the Naval Militia appointed in accordance with provisions of § 6.1907 (3).

(c) Graduates of U. S. Naval Academy and ex-officers of the Regular Navy whose resignations from the Navy were accepted under honorable conditions.

(d) Probationary ensigns, Naval Reserve midshipmen, enlisted men of the Naval Reserve, and others who qualify by physical and professional examinations.

(2) Appointments of officers of classes D-O, DE-O, E-O, D-V (G), DE-V (G), E-V (G), and C-V (G) shall be in the rank of ensign, or such higher rank not above lieutenant commander, as they may have held in the Regular Navy.

§ 6.2202 *Aviation officers, classes A-O and A-V (G).* (1) Aviation officers, class A-O required for aviation squadrons of the Organized Reserve, and aviation officers of the Volunteer Reserve (General Service), class A-V (G); shall be appointed from the following sources:

(a) Naval Reserve aviation cadets holding designations as naval aviators, and officers of class A-V (N) transferred to inactive duty.

(b) Graduates of the U. S. Naval Academy and ex-officers of the Regular Navy who have been designated as naval aviators and whose resignations from the Navy were accepted under honorable conditions.

(2) Appointments of aviation officers, classes A-O and A-V (G) shall be in the rank of ensign or such higher rank not above lieutenant commander, as they may have held in the Regular Navy. Candidates for appointment in or transfer to class A-O must have completed the course prescribed by the Bureau of Navigation for naval aviators. Candidates for appointment must take a physical examination to determine their physical and psychological qualification for duty as pilots of naval aircraft.

§ 6.2203 *Aviation officers, class A-V (N).* Aviation officers of class A-V (N) required for the aeronautic organization of the Navy shall be appointed in accordance with the provisions of § 6.10201 (2) hereof.

§ 6.2204 *Medical officers, classes MC-O and MC-V (G).* (1) Medical officers, classes MC-O and MC-V (G), may be appointed upon presentation of satisfactory credentials as set forth in paragraph (2) hereof, which may be accepted in lieu of a professional examination.

(2) Candidates must submit the following credentials, in addition to usual credentials required for commission in the Naval Reserve, in order to establish their professional qualifications for appointment.

(a) Certificate of graduation from a class A medical school, indicating date of

* These items not required with applications for appointment in classes D-M, E-M, and DE-M.

graduation, signed by the dean or registrar.

(b) A certificate from the president or secretary of a state or local medical society to the effect that the applicant is a member in good standing.

(c) A certificate of license to practice medicine.

(d) A certificate from proper hospital officials indicating type and duration of internship.

(e) If the candidate has had hospital service or special educational or professional advantages, other than in internship, certificates to this effect, signed by proper authorities, shall be forwarded.

(3) Appointments are made as assistant surgeons with the rank of lieutenant (junior grade) or such higher grade and rank, not above lieutenant commander, as they may have held in the Medical Corps of the regular Navy.

§ 6.2205 *Dental officers, class DC-V (G)*. (1) Dental officers, class DC-V (G), may be appointed upon presentation of satisfactory credentials as set forth in paragraph (2) hereof, which may be accepted in lieu of a professional examination.

(2) Candidates must submit the following credentials, in addition to usual credentials required for commission in the Naval Reserve, in order to establish their professional qualifications for appointment.

(a) Certificate of dental education, giving name of school, date of graduation, signed by the dean or registrar.

(b) A certificate from the president or secretary of a national, state, or local dental society to the effect that the applicant is a member in good standing.

(c) A certificate of license to practice dentistry.

(3) Appointments are made as assistant dental surgeons with the rank of lieutenant (junior grade) or such higher grade and rank not above lieutenant commander, as they may have held in the Dental Corps of the Regular Navy.

§ 6.2206 *Supply officers, classes SC-O and SC-V (G)*. (1) Supply officers, classes SC-O and SC-V (G), shall be appointed from the following sources:

(a) Officers of other classes, Naval Reserve midshipmen and enlisted men of the Naval Reserve, who qualify by physical and professional examinations.

(b) Former officers of the Navy or graduates of the U. S. Naval Academy.

(c) Appointments of supply officers, classes SC-O and SC-V (G) shall be in the grade of assistant paymaster with the rank of ensign, or such higher grade and rank not above lieutenant commander as they may have held in the Supply Corps of the Regular Navy.

(2) The following are the requirements for appointment as ensign SC-V (G), U. S. N. R.

(a) Candidates must be mentally, morally, and physically qualified for general service.

(b) Candidates must hold a degree from a recognized university or have the equivalent of a college education. A full statement of education, including names of institutions, periods of schooling, and degrees, if any, should be included in the application for appointment.

(c) Letters from instructors, associates, and employers as to moral character, standing in community and professional ability should be submitted with application. Letters from employers should also show in detail the character and scope of duties performed by the applicant.

(d) Candidates must meet age requirements under § 6.2107.

(e) Each candidate must have completed the Bureau of Supplies and Accounts correspondence course and have passed the physical and professional examination.

§ 6.2207 *Chaplains, class CHC-V (G)*.

(1) Candidates for appointment in this class are required to meet the conditions demanded of candidates for the Chaplain Corps of the Navy. They must be endorsed by the official authorities of the religious bodies represented. All applications are scrutinized by the Bureau of Navigation as to educational preparation (college and theological seminary), practical experience, and proper ecclesiastical endorsement.

(2) Original appointments are made only in the rank of lieutenant (junior grade) or such higher grade or rank, not above that of lieutenant commander, as the candidate may have held in the regular Navy.

§ 6.2208 *Probationary ensigns, volunteer reserve (general service)*. (1) Men within the age limits prescribed in § 6.2107 who are morally, mentally, and physically qualified for commission and who hold degrees from recognized colleges or universities, may be appointed by the Secretary of the Navy in the Volunteer Reserve for General Service in a probationary status, with a view to their qualifying by examination for reappointment in appropriate General Service classification for which qualified on or before the expiration of the probationary period.

(2) Candidates shall make application on Bureau of Navigation Form N. Nav. 353, as provided in § 6.2106 and shall, in addition, execute an agreement to take correspondence courses appropriate to their corps or class and otherwise prepare for examination for permanent appointment on or before the expiration of the probationary period. Failure to carry out the terms of such agreement will be sufficient grounds for their discharge from the Naval Reserve.

(3) Such probationary appointments will be made in classes D-V (P), E-V (P), and SC-V (P).

(4) Upon completion of the probationary period, or prior to the expiration of such period, upon request of the officer concerned, the Bureau will authorize professional and physical examinations for

reappointment as ensign, and assignment to the Organized Reserve or to the Volunteer Reserve (General Service). If found qualified, a new commission with date of precedence as of the date of qualification will be issued. The new commission will automatically supersede the probationary commission. Service under probationary commissions will not count toward the required service in grade for promotion to lieutenant (junior grade). If found not qualified, or if request for such examination is not submitted within the probationary period, the officer will be discharged.

Requirements for Original Appointment of Officers, Volunteer Reserve (Special Service)

§ 6.2301 *Educational and professional requirements applicable to all classes*.

(1) A candidate for appointment in the Volunteer Reserve (Special Service) must hold a professional or scientific degree from a recognized institution such as will indicate qualification for the appointment desired, or

(2) Must have a minimum of 2 years college credits normally leading to a degree, or have professional experience in lieu of a degree, and have gained sufficient professional prominence to be considered especially qualified for a specific mobilization assignment.

(3) Special Service officers may be appointed in ranks commensurate with their age, professional experience, and attainments for definite mobilization assignments commensurate with rank within assigned quotas.

§ 6.2302 *Deck officers, Volunteer Reserve (Special Service)*. (1) Deck officers, class D-V (S) required to fill quotas shall be appointed from the following sources:

(a) Graduates of the Naval R. O. T. C. or Naval Science students who have completed the Naval R. O. T. C. course satisfactorily.

(b) Graduates of the U. S. Naval Academy.

(c) Officers of other classes and qualified civilians.

(2) A candidate for appointment in class D-V (S) must have had such prior naval or other suitable experience as to qualify him for administrative or other specialized duties ashore; or at sea as pilot, or duty in connection with district patrol craft. Seagoing experience is desirable but not essential in connection with such appointments for mobilization assignments ashore. Candidates must qualify under one or more of the following qualifications:

(a) One who has had administrative experience in responsible position.

(b) One who could be utilized on the shore end of the Naval Transportation Service.

(c) One who could be used in recruiting, concentration camps, or at officers' schools.

(d) One who could be used in an administrative position at district headquarters, or elsewhere.

(e) One who could be used in a recruiting office.

(f) One who has had hydrographic or oceanographic experience.

(g) One who is a specialist in such instruments as compasses, etc.

(h) One who holds pilot's licenses.

(i) One who has had deep-sea yachting experience, and who holds a deck officer's license.

The rank assigned an applicant will depend on his age, previous experience, prominence, and general qualifications for mobilization station to which he is to be assigned. The rank must be appropriate to the duties to be performed. The Commandant will consider all the above factors in submitting his recommendations to the Bureau of Navigation.

§ 6.2303 *Engineer officers, Volunteer Reserve (Special Service)*. (1) Engineer officers, class E-V (S) required to fill quota shall be appointed from the following sources:

(a) Graduates of the Naval Reserve Officers Training Corps.

(b) Graduates of the U. S. Naval Academy.

(c) Officers of other classes and qualified civilians.

(2) Candidates for appointment in this class are required to have a minimum of engineering experience as indicated below:

(a) A candidate for ensign shall be qualified by education or experience to practice his profession and shall have practiced his profession for at least 1 year.

(b) A candidate for lieutenant (junior grade) shall have been in active practice of his profession for at least 4 years and shall have shown progress.

(c) A candidate for lieutenant shall have been in active practice of his profession for at least 6 years and in responsible charge of important work for at least 1 year.

(d) A candidate for lieutenant commander shall have been in active practice of his profession for at least 10 years and in responsible charge of important work for at least 5 years.

§ 6.2304 *Aviation special service officers, class A-V (S)*. (1) In addition to the general requirements for commission in the special service classes of the Naval Reserve, candidates for appointment in class A-V (S) are required to have had engineering or administrative experience in aeronautics.

(2) The rank in which a candidate is commissioned will depend on age, his prominence in his field, and his experience. It must be appropriate to his mobilization assignment.

(3) Application for appointment in class A-V (S) should be submitted on special application form N. Nav. 392, ac-

companied by the documentary data listed thereon.

§ 6.2305 *Civilian aviation pilots Volunteer Reserve (special service), class A-V (T)*. (1) Appointments to commissioned grade of civil aviation pilots, including pilots of lighter-than-air craft, may be made in class A-V (T) upon the recommendation of district commandants, within quotas. Applicants for appointment in class A-V (T) shall submit applications on Form N. Nav. 392 complete with substantiating documentary evidence, as indicated on application blanks, to the commanding officer of the nearest Naval or Naval Reserve aviation activity of the naval district in which they reside, who will then forward the applications to the Commandant of the district with his recommendation.

(2) In general, original appointments to commissioned grade in class A-V (T), will be made in the grade of ensign, although in certain cases where the applicant possesses unusual qualifications, the Bureau may recommend appointment in the higher grades. Appointments in this class will be based upon the professional, technical, and administrative attainments of applicant and his general experience in aeronautical pursuits, as indicated in the credentials submitted with his application.

(3) Class A-V (T) will be composed of licensed civilian pilots who possess the following minimum qualifications:

(a) Must be between the ages of 21 and 40 at time of original appointment.

(b) Must hold an effective commercial pilot's certificate issued by the Civil Aeronautics Authority.

(c) Must be physically and psychologically qualified to pilot naval aircraft and for appointment in the Naval Reserve.

(d) Must be actively engaged in the piloting of aircraft and must have had not less than 100 hours certified pilot time within the previous 12 months.

(e) Must occupy a position of trust and responsibility.

(f) Must possess at least 2 years of college credits or have sufficient background in the pursuit of his profession to have obtained the equivalent thereof.

(4) Previous military or naval experience is a desirable factor which will be taken into consideration. The lack of this training, however, will not be considered disqualifying.

(5) Former aviators, of the Army, Navy, Marine Corps, or Coast Guard, may, at the discretion of the Bureau of Navigation, be commissioned in the same grade in class A-V (T) which they previously held in the above named services, not above lieutenant commander, provided they hold commercial pilot's certificate and are otherwise qualified as herein previously required.

(6) Officers receiving appointment to commissioned grade in this class shall be required to remain licensed pilots in

good standing and to perform a minimum of 100 hours flying time per year.

(7) Applications for appointment should be filed on the application blanks (N. Nav. 392) provided by the Bureau of Navigation for commission in aviation special service classes and must show the following:

(a) Certified statement of flight time as follows:

(1) Total pilot time with types of aircraft.

(2) Total pilot time during preceding 12 months, with types of aircraft.

(b) Educational record—official transcript, high school and college.

(c) Three letters of recommendation from business associates giving information relative to present occupation.

(d) General résumé of flying experience, including experience in aerial navigation and radio communication; and any other information which may assist the Department in evaluating special qualifications. This résumé must be in the handwriting of the applicant.

(e) Type of certificate of competency held, including number and date of expiration.

§ 6.2306 *Aviation ground officers Volunteer Reserve (special service), class A-V (K)*. (1) No original appointments shall be made in class A-V (K) except of former naval aviators whose qualifications are such as to make them especially desirable. Officers of classes A-O and A-V (G) who fail to maintain their qualifications for class A-O or A-V (G) but who are otherwise especially desirable and qualified for ground duty or other aviation duty, may be transferred or assigned to class A-V (K). Applications for appointment shall be submitted on Form N. Nav. 392.

(2) They may be transferred back to class A-O or A-V (G) upon reestablishing their qualifications for such transfer.

(3) Officers of class A-V (K) will be required to demonstrate their professional fitness for promotion or transfer to class A-O or A-V (G) by passing an examination similar to that required of officers of class A-O or A-V (G) except that officers of class A-V (K) being considered for promotion will not be required to meet the flight qualifications.

§ 6.2307 *Communication officers, Volunteer Reserve (special service), class C-V (S)*. (1) This class is procured from communication experts in radio, but also includes officers qualified in telephone, telegraph, visual signaling, underwater sound, traffic, cable control, facsimile, television, cryptanalysis, etc.

(2) In addition to the general requirements applicable to all special service officers, the following will receive consideration in connection with applications for appointments in this class:

(a) Record of communication experience.

(b) Membership in professional societies.

(c) Special expert knowledge.

(d) Civilian position and occupation.

§ 6.2308 *Intelligence officers, Volunteer Reserve (Special Service), class I-V(S).* (1) In addition to the general requirements for all Special Service officers, the acceptability of applicants for intelligence duty will be based on the degree to which they fulfill the special requirements for that duty.

(2) Of particular importance in considering applications for intelligence duty is the high degree of trust which may be given them in regard to confidential matter. Qualities which support the security of such matters are essential. Such officers are also expected to accept peacetime assignments which involve purely voluntary cooperation and application in training programs, whose success depends on self-initiative and a very high sense of loyalty. The keenest minds and most loyal spirit are essential.

(3) Special instructions in regard to the requirements of this class are indicated on ONI No. 1 (f) which each candidate is required to submit and subscribe to in duplicate. One copy of this Form (ONI No. 1 (f)) will be forwarded with Form N. Nav. 353. The other copy will be retained by the district intelligence officer (NIS file (confidential)). Both copies will be kept up-to-date in accordance with instructions issued by the Chief of Naval Operations. Other special instructions regarding this class will be issued by the Chief of Naval Operations (ONI) in accordance with the policy indicated in §§ 6.5202 and 6.5204.

(4) Candidates for this class not only require the qualifications common to all Reserves but also suitability for the several activities which are in general identified with:

- (a) Broadness of outlook.
- (b) Familiarity with public events.
- (c) Knowledge of international affairs and trends.
- (d) Social understanding and easy contact.
- (e) Imagination.
- (f) Absolute reliability.
- (g) Tact, force, enterprise, perseverance, highest loyalty.
- (h) An intellectual background suitable to the Service requirements.
- (i) Versatility, adaptability.
- (j) Clear-cut Americanism.
- (k) Technical, personal, or professional ability which supports one or more of the several activities involved.
- (l) Sobriety under severest strain.
- (m) Unimpeachable record.

(5) Intelligence Reserve applicants are required to obtain letters of recommendation which positively indicate the qualities which they must have to aspire to a particular activity in the Intelligence Service. Perfunctory letters in the common style of good fellowship are not acceptable. Letters which indicate abili-

ties, application, accomplishment, imagination, conduct, endurance, initiative, intelligence, versatility, loyalty, sound and tested Americanism, and sobriety under strain, give facts of value and are the types of letters desired.

(6) An applicant who is favorably reported upon after a check and investigation will usually be placed on a waiting list unless his early commissioning is specifically desired. If placed on the waiting list, he will be regarded as a subject for such further check as appears warranted.

§ 6.2309 *Ordnance officers, Volunteer Reserve (Special Service), class O-V(S).* (1) Candidates for appointment in this class will in general be drawn from the faculties of universities and technology institutes, from research and experimental organizations, and from administrative engineering or technical staffs of manufacturing companies.

(2) They must possess technical or scientific knowledge necessary to the supervision of design, manufacture, or test of ordnance material, the development of new material, or the application of inventions, new discoveries, and commercial practices to the problems of ordnance design and manufacture.

(a) Candidates for appointment to the ranks of lieutenant and lieutenant (junior grade) must have outstanding reputations, considering their ages, or must show promise of attaining eminence in their professions, or must possess unusual technical knowledge or ability such as to make their services highly valuable to the Bureau of Ordnance.

(b) Candidates for appointment to the rank of lieutenant commander must be scientists or engineers of outstanding reputation in their professions, or executives of demonstrated ability in handling large organizations.

§ 6.2310 *Legal officers, Volunteer Reserve (Special Service), class L-V(S).* (1) The following professional and special qualifications are considered as the basis for eligibility for appointment in this class:

(a) The candidate must hold a degree in law.

(b) He must be a member, in good standing, of a state bar, or its equivalent.

(c) He must be especially fitted for the particular position to which he will probably be assigned in the event of emergency.

(d) Candidates for appointment must have outstanding reputation considering their ages, or must show promise of attaining eminence in their profession.

(2) In determining the rank to be assigned, the following are considered as the minimum of practical experience in the legal profession:

- (a) For ensign, 2 or more years.
- (b) For lieutenant (junior grade), 4 or more years.
- (c) For lieutenant, 7 or more years.

(d) For lieutenant commander, 10 or more years.

§ 6.2311 *Medical officers, Volunteer Reserve (Special Service), class MC-V(S).* (1) Medical officers, Volunteer Reserve (Special Service), class MC-V(S), required for special shore duty within the continental limits of the United States and for service with base hospital groups and in hospital ships may be appointed upon presentation of satisfactory credentials which may be accepted as qualifying the candidate for appointment without a professional examination.

(2) A candidate for appointment in this class must present the following credentials as to education and professional qualifications:

(a) Certificate of graduation from a class A medical school, indicating date of graduation, signed by the dean or registrar.

(b) A certificate from the president or secretary of a state or local medical society to the effect that the applicant is a member in good standing.

(c) A certificate of license to practice medicine.

(d) A certificate from proper hospital officials indicating type and duration of internship.

(e) If the candidate has had hospital service or special educational or professional advantages, other than internship, certificate to this effect, signed by proper authorities, shall be forwarded.

(f) Evidence of qualification in specialty.

(3) The certification by the district medical officer as to their qualifications and professional standing may be accepted in lieu of letters or certificates from two or more persons, etc., certificate of medical education, certificate from the president or secretary of State or local medical society, certificate of license to practice medicine, certificate as to hospital service, etc., and professional examination in the cases of candidates for appointment in this class.

(4) The grade and rank in which candidates for class MC-V(S) are appointed will be determined by the candidate's age, professional standing, and academic seniority. These must be appropriate to the duties of the mobilization assignment.

§ 6.2312 *Dental officers, Volunteer Reserve (Special Service), class DC-V(S).* (1) Dental officers, Volunteer Reserve (Special Service), class DC-V(S) may be appointed within quotas upon presentation of satisfactory credentials, which may be accepted as qualifying the candidate for appointment without professional examination.

(2) A candidate for appointment in this class must present the following credentials as to education and professional qualifications:

(a) Certificate of dental education, giving name of school, date of graduation, signed by the dean or registrar.

(b) A certificate from the president or secretary of a National, State, or local dental society to the effect that the applicant is a member in good standing.

(c) A certificate of license to practice dentistry.

(d) Evidence of qualification in specialty.

(3) The grade and rank in which candidates for class DC-V (S) are appointed will be determined by the candidate's age, professional standing, and academic seniority. These must be appropriate to the duties of the mobilization assignment.

§ 6.2313 *Supply officers, Volunteer Reserve (Special Service), class SC-V (S).* (1) This class is composed of specialists in the various branches of Supply Corps work—purchase and supply, finance, accounting, transportation, foodstuffs, textiles, and fuel, who are appointed upon the recommendation of commandants of naval districts and the Bureau of Supplies and Accounts for specific duties in the war organization of the Navy.

(2) As a basis for recommending the appointments of candidates for this class, in addition to requirements already generally laid down, the following are considered and are to be included in the application or submitted therewith:

(a) Record of education—degrees held and membership in recognized professional institutions (a complete statement of all education, including periods of schooling, names of institutions, and degrees, if any, received, to be included in application).

(b) Record of experience; standing in profession or business.

(c) Standing in community.

(d) Record of prior military or naval service.

(e) Personal qualifications as an officer as determined by the Commandant from interview.

(f) Probable assignment in war organization, for which candidates must be especially fitted.

(g) Letters concerning the above from instructors, associates, and employers. Letters from employers should also show in detail the character and scope of duties performed by the applicant.

(3) In determining the rank to be assigned, the periods of practical experience in a profession or business or allied activity set forth below are regarded as minimum requirements. Practical experience does not, however, of itself determine assigned rank since other factors must also be taken into consideration.

For ensign.....	2 or more years.
For lieutenant (junior grade).....	4 or more years.
For lieutenant.....	7 or more years.
For lieutenant commander.....	10 or more years.

Rank assigned must be appropriate to the duties of the mobilization assignment.

§ 6.2314 *Chaplains, Volunteer Reserve (Special Service), class ChC-V (S).* Candidates for appointment in this class are required to meet the conditions demanded of candidates for the Chaplain Corps of the Navy. They must be endorsed by the official authorities of the religious bodies represented. All applications are scrutinized by the Bureau of Navigation as to educational preparation (college and theological seminary), practical experience and proper ecclesiastical endorsement. The ability, records, and professional standing are given due consideration in connection with recommendation as to rank.

§ 6.2315 *Naval constructors, Volunteer Reserve (Special Service), class CC-V (S).* (1) The following professional qualifications are required for original appointment as a Special Service officer of the Construction Corps, Volunteer Reserve:

(a) Resigned from a commissioned rank in the Construction Corps, U. S. Navy; or

(b) Graduated from a recognized institution with a degree in naval architecture or allied engineering; or

(c) Sufficient prominence in the shipbuilding profession to demonstrate outstanding qualifications such as technical ability and administrative leadership.

(d) Exceptions to the above requirements will be made only in the cases of applicants who are considered qualified for special duties involved in work under the cognizance of the Bureau of Construction and Repair, such as the inspection of naval material or Navy Yard management.

(2) Special qualifications for the various ranks shall be as follows:

For ensign. Two years' minimum experience in connection with ship design and construction or equivalent engineering experience. If the applicant has graduated from a recognized institution and if during his attendance at such institution he was enrolled as a candidate for appointment in the Naval Reserve and received preliminary instruction in general naval subjects, then the requirement for 2 years' minimum experience will be waived.

For lieutenant (junior grade). Five years' minimum experience in connection with ship design and construction or equivalent engineering experience, three of which shall have been on practical work in a ship yard.

For lieutenant. Ten years' minimum experience in connection with ship design and construction or equivalent engineering, 5 years of which shall have been in responsible charge of professional work in a ship yard.

For lieutenant commander. Fifteen years' minimum experience in connection

with ship design and construction or equivalent engineering experience, 10 years of which shall have been in charge of professional work of increasing responsibility in a ship yard and holding within 1 year prior to appointment an executive position of important professional responsibility.

§ 6.2316 *Civil Engineers, Volunteer Reserve (Special Service), class CEC-V (S).* (1) Officers of the Civil Engineer Corps are charged with the design, construction, and maintenance of all facilities entering into the "shore establishment" of the Navy. The wide scope of engineering activities comprises all that relates to the design, construction, and maintenance of public works of the Naval Establishment ashore, such as dry docks, marine railways, shipbuilding ways, harbor works, quay walls, piers, wharves, slips, dredging, landings, floating and stationary cranes, power plants, coaling plants, hangars, flying fields, seaplane-ramps, heating, lighting, telephone, water, sewer, and railroad systems; roads, walks, and grounds; bridges, radio towers, hospitals, shops, barracks, and all buildings for whatever purpose required.

(2) In addition to the general requirements applicable to all applicants, candidates must have:

(a) Resigned from a commissioned rank in the Corps of Civil Engineers, United States Navy; or

(b) Graduated from a recognized institution with a degree in engineering or architecture; or

(c) Sufficient prominence in this profession to demonstrate outstanding qualifications. (It is expected that all candidates have been engaged on engineering work of a character sufficient to demonstrate technical ability and administrative leadership.)

(3) Special minimum qualifications for the various ranks shall be as follows:

(a) For lieutenant (junior grade), 6 years professional practice, 2 years of which shall have been in responsible charge of professional work. Employment under general supervision only and with considerable latitude for independent action.

(b) For lieutenant, 10 years active professional practice, 6 years of which shall have been in responsible charge of professional work. Present employment under general or administrative supervision with wide latitude for independent or unreviewed action. At least 3 years of the period specified shall have been devoted to employment on engineering works of a difficult and important nature.

(c) For lieutenant commander, 15 years active professional practice, 10 years of which shall have been in responsible charge of professional work. Present employment under administrative supervision only, or in charge of own office on highly difficult and important

professional or engineering work where the problems met have been unusually complex or the volume of business large.

(4) Active professional practice for all ranks in the Civil Engineer Corps is defined as direct employment on the design and construction of engineering works embraced within the scope of the activities of the Corps of Civil Engineers of the Navy, as above described.

Merchant Marine Reserve Officers

§ 6.2401 *Requirements for appointment.* (1) Appointments may be made in classes D-M, E-M, DE-M, SC-M, and MC-M. Applications from ships' officers serving under their licenses shall be submitted on Form N. Nav. 145. Applications from others shall be submitted on Form N. Nav. 353.

(2) In addition to the general requirements for commission in the Naval Reserve, as set forth in section 1 of this chapter, the following additional requirements are prescribed for appointment of officers in the Merchant Marine Reserve:

(a) A candidate for commission in the Merchant Marine Reserve other than SC-M and MC-M must be a licensed officer of the American Merchant Marine, and be serving in a vessel of not less than 1,000 tons displacement; documented under the laws of the United States, or on other public vessels thereof.

(b) He must be employed in connection with the seafaring profession in a capacity directly connected with the operation or management of ships of the American Merchant Marine, and whom it is desired be appointed for a specific mobilization billet.

(c) Candidates for commission in classes SC-M and MC-M must be employed on passenger vessels documented under the laws of the United States; or in the cases of candidates for appointment in class MC-M, they must be employed in connection with the seafaring profession in capacities directly connected with their respective duties in the Merchant Marine. They must, in addition, agree that if appointed they will apply for and complete the Naval Reserve correspondence courses of their respective bureaus, within two years after appointment. In the case of applicants for appointment in class SC-M, they must comply with the provisions of § 6.2106 (2) (m).

(3) The rank in which appointment is made depends on the duties which the candidate is normally performing on a vessel or ashore.

(4) In order to establish permanency of duties, applicants serving on board ship shall have been employed in present capacity for at least 3 months immediately preceding appointment. The following table shows the authorized ranks for appointments of Merchant Marine officers serving in the deck and engineering departments on merchant vessels.

Table of Rank for Appointment

Duties, merchant service	Passenger vessels over 12,000 tons displacement	Other vessels over 12,000 tons displacement	Vessels 12,000 to 5,000 tons displacement	Vessels under 5,000 tons displacement
Master.....	Lieutenant commander.	Lieutenant commander.	Lieutenant commander.	Lieutenant.
Chief officer or first mate.	Lieutenant.	Lieutenant.	Lieutenant.	Lieutenant (jg).
Second officer or second mate.	Lieutenant (jg).	Lieutenant (jg).	Lieutenant (jg) or Ensign. ¹	Ensign.
Third officer or third mate.	do.	Ensign.	Ensign.	Do.
Fourth officer.	Ensign.	do.	do.	Do.
Chief engineer.	Lieutenant commander.	Lieutenant.	Lieutenant.	Lieutenant.
First assistant engineer.	Lieutenant.	Lieutenant (jg).	Lieutenant (jg).	Lieutenant (jg).
Second assistant engineer.	Lieutenant (jg).	do.	Ensign.	Ensign.
Third assistant engineer.	do.	Ensign.	do.	Do.
Junior engineer.	Ensign.	do.	do.	Do.

¹ Where there is a third or fourth officer holding the grade of ensign in the Merchant Marine Reserve, the second officer or second mate may be appointed in the grade of lieutenant (junior grade); otherwise in the grade of ensign.

(5) For the purpose of assigning rank, engineer officers employed on vessels of 10,000 indicated horsepower or over are considered to be employed on passenger vessels of over 12,000 tons displacement. Where the horsepower of a vessel is given as brake or shaft horsepower, such figures shall be multiplied by the factor five-fourths to obtain the equivalent indicated horsepower.

(6) The qualifications for appointment of medical officers and supply officers in the Merchant Marine Reserve will be governed by the provisions of § 6.2106 pertaining to Special Service officers and meet the requirements of §§ 6.2311 and 6.2313, concerning Medical and Supply Corps officers, respectively.

(7) Appointments in the Merchant Marine Reserve of persons employed on shore in connection with the seafaring profession to fill a specific billet in the war organization will be considered for ranks appropriate to such assignment from candidates whose age, experience, professional attainments and civil position justifies such appointment.

(8) Appointments to warrant grades will be confined to those occupying analogous positions in the merchant crews of vessels of not less than 1,000 tons displacement.

§ 6.2402 *Cadets, Merchant Marine Reserve.* Appointments of Cadets, Merchant Marine Reserve, will be in accordance with such special instructions as may be issued by the Bureau of Navigation.

Enlistments and Reenlistments

§ 6.2501 *Men—By whom enlisted.*

(1) The procurement of men in the Fleet Reserve shall be governed by the provisions of §§ 6.9401-6.9409.

(2) The enlistment of men in the Organized Reserve shall be accomplished by Naval Reserve and Marine Corps Reserve recruiting officers. (See §§ 6.2503, 6.2507, and 6.2510.)

(3) The enlistment of men in the Volunteer Reserve shall be accomplished by Naval Reserve recruiting officers and by Navy recruiting officers.

(4) The enlistment of men in the Merchant Marine Reserve shall be accomplished by recruiting officers designated for this purpose by the Bureau of Navigation.

§ 6.2502 *Ages for original enlistments.*

(1) The limiting ages for original enlistments in the Naval Reserve are as follows:

Class:	Age limits in years
O-1.....	17 to 28
O-2.....	17 to 28
V-1.....	17 to 28
V-2.....	17 to 28
V-3.....	17 to 28
V-4.....	17 to 50
V-5.....	17 to 27
V-6.....	17 to 35
M-1.....	17 to 40

¹ Approximate. See ch. 10, art. II-10302.

Upper age limits are to nearest birthday.

(2) Especially desirable men over the foregoing upper age limits may be enlisted with the consent of the Bureau of Navigation in each case, in accordance with existing instructions.

(3) Minors shall not be enlisted without the written consent of a parent or guardian.

(4) The lower age limit of 17 years is prescribed by statute and cannot be waived.

§ 6.2503 *Naval Reserve recruiting officers.* (1) Division, battalion, and squadron commanders, and Naval Communication Reserve section and unit commanders, shall be appointed by the Commandants of their naval districts as Naval Reserve recruiting officers. Officers of the Navy and Naval Reserve attached to headquarters of Naval districts and the Navy Yard, Washington, D. C., for duty in connection with the administration of the Naval Reserve, or assigned duties as instructors of Naval Reserves may be appointed by the Commandants as Naval Reserve recruiting officers. Commandants of naval districts may appoint such officers as they may select as recruiting officers for effecting enlistments in class V-4.

(2) Naval Reserve and Marine Corps Reserve recruiting officers are authorized

to administer oaths in connection with the appointments of officers and the enlistments of men in the Naval Reserve.

(3) All officers authorized to administer oaths for enlistments and appointments in the Naval Reserve shall place after their signatures the capacity in which serving at the time of administering the oath; i. e., John Doe, Lieutenant, D-O, U. S. N. R., Commanding First Division, U. S. N. R., First Naval District.

(4) Officers in charge of Navy recruiting stations are directed to make such enlistments in the Naval Reserve as Commandants may authorize or request. They shall report such enlistments to the Commandant, and forward the health record, service record, and shipping articles to the Commandant.

(5) Naval Reserve recruiting officers are authorized, upon request of a District Commander of the Marine Corps Reserve, to effect enlistments in the Marine Corps Reserve.

(6) Commanders of units of the organized Marine Corps Reserve are authorized to act as Naval Reserve recruiting officers, for the purposes of effecting enlistments of hospital corpsmen to fill their allowances, in accordance with § 6.2510 (2) (b).

§ 6.2504 *Term of enlistments and extension.* (1) Enlistments and reenlistments in the Naval Reserve shall be for terms of 4 years.

(2) Enlisted men may be permitted to extend their enlistments for periods of 1, 2, 3, or 4 years under the same regulations as prescribed for extensions of enlistments in the regular Navy.

(3) Where reenlistments of desirable men are impracticable on account of unavailability of medical officers of the Navy or Naval Reserve for conducting physical examinations they may be permitted to extend their enlistments without physical examination for a period of 4 years in the manner prescribed in part D, Bureau of Navigation Manual. At such time as a physical examination by a medical officer of the Navy or Naval Reserve is practicable, such men shall be physically examined and report forwarded to the Bureau of Navigation.

§ 6.2505 *Reenlistments.* (1) Desirable men may be reenlisted in accordance with the provisions of § 6.2510 (3) and (4).

(2) Chief petty officers holding permanent appointments may be reenlisted in such permanent appointments, provided they are reenlisted under continuous service conditions.

(3) Men who have had prior naval or military service, including service in the Coast Guard of the United States, shall be required to present their discharges from such service, certificates in lieu of such discharge, or continuous-service certificate, before being enlisted in the Naval Reserve.

(4) Men discharged from any naval or military organization under other than honorable conditions shall not be enlisted in the Naval Reserve.

(5) Upon enlisting men with previous service in the Navy, Naval Reserve, or Coast Guard, the recruiting officer shall write above his signature on the back of the man's discharge or continuous service certificate, the date and place of his reenlistment.

§ 6.2506 *Service numbers.* (1) Commandants of naval districts will assign service numbers on all first enlistments.

(2) In the cases of enlistments or reenlistments of men who have had previous naval service whose service numbers are unknown, the recruiting officer shall obtain such numbers from the Bureau of Navigation before completing and forwarding the enlistment articles.

§ 6.2507 *Procedure for recruiting.* (1) Naval Reserve recruiting officers shall be guided by the Instructions for Recruiting Officers of the Navy, insofar as applicable, and such special instructions as may be issued by the Bureau of Navigation concerning the Naval Reserve.

(2) Shipping articles shall be typewritten in duplicate with no erasures or interlineations.

(3) When the following steps have been completed, the recruits shall be sworn in and the papers dated the actual date the oath is taken.

(a) Physical examination must have been passed or successfully completed.

(b) Health Record prepared and signed by the medical examiner.

(c) Fingerprints properly prepared in accordance with instructions relating to physical examination of recruits issued by the Bureau of Medicine and Surgery, and signed by medical examiner and recruit, using the following forms:

(1) N. Nav. 2, first enlistments.

(2) N. Nav. 379, for reenlistments.

(d) Shipping articles—N. Nav. 351, signed by medical examiner and recruit. The following shall be stamped or typewritten on the face of the shipping articles:

"In the event of war or national emergency during my term of service, I further obligate myself to serve throughout the war or national emergency, if so required."

(e) Service record, N. Nav. 352, signed by medical examiner and recruit.

(4) After the recruit is sworn in, all papers, including application for enlistment, N. R. B. Form 24, fingerprints, enlistment articles, and service record shall then be signed by the recruiting officer, and forwarded to the Commandant.

§ 6.2508 *Records of recruits.* The Commandant shall examine such papers and records and if the enlistment is approved, shall forward to the Bureau of Navigation as soon as practicable, all shipping articles and identification records, application form and consent form which are found to be regular and complete in every respect. The health record, service record, duplicate copy of

shipping articles, shall then be returned to the commanding officer of the organization to which the man is to be attached or with which he is to be associated.

§ 6.2509 *Vaccination and inoculation of recruits.* All recruits shall be vaccinated and typhoid prophylaxis administered when enlisted or as soon thereafter as may be practicable, and in any case before being ordered to active duty or training duty, unless they present satisfactory evidence of having been vaccinated or inoculated before enlistment.

§ 6.2510 *Enlistments in Organized Reserve and Volunteer Reserve, classes O-1, O-2, V-1, and V-2.* (1) Men will be enlisted in classes O-1, O-2, V-1, and V-2 to fill vacancies in the procurement quotas subject to the provisions of this article:

(2) (a) Men without previous naval service will be enlisted in classes O-1, O-2, V-1, and V-2 in the rating of apprentice seamen or mess attendant third class, or in such higher ratings as may be authorized by the Bureau of Navigation.

The Bureau of Navigation will consider authorizing the enlistment in higher ratings of those recommended men whose civilian occupations make them especially desirable for the organizations, such as machinists, gas engine men, ground crews for the air transportation companies, yeomen, and commercial and amateur radio operators, except that radiomen shall not be enlisted in classes O-1 or V-1.

The Bureau of Navigation will not, however, consider any such recommendation unless accompanied by an examination report submitted by a board composed of squadron, base, battalion or division officers, which report, however, need not include marks on subjects D-5201 (a) to (n), nor special marks for petty officers or chief petty officers.

The upper age limit for enlistment, as prescribed in § 6.2502, may also be waived by the Bureau of Navigation in the cases of the foregoing men.

(b) In the cases of applications for enlistments in hospital corps ratings, requests shall be forwarded to the Bureau of Navigation, via the District Commandant and the Bureau of Medicine and Surgery, accompanied by Form N. Nav. 471.

(3) Men honorably discharged from the regular Navy, Naval Reserve, or Coast Guard, may be enlisted in the ratings in which discharged, within 1 year of such discharge, in classes O-1 or O-2 to fill vacancies in procurement quotas and ratings, or in V-1 or V-2, if physically and otherwise qualified. In order to qualify for continuous service, such enlistments must be within a period of 3 months from date of discharge.

(4) Men with broken service in excess of 1 year, honorably discharged from the Navy, Naval Reserve, or Coast Guard, who are within the prescribed ages may, if otherwise qualified, be enlisted in classes O-1, O-2, V-1, or V-2 to fill va-

cancies, in the next rating below that held at the time of discharge. The approval of the Bureau of Navigation will be required in case the prescribed age limits are exceeded, or for enlistment in rating last held.

§ 6.2511 *Enlistments in Naval Communication Reserve.* (1) Men will be enlisted in class V-3 for radioman, signalman, telegraphers, and yeoman duties.

(2) Such men will be enlisted in the rating of apprentice seamen, seamen second class, seamen first class, or telegrapher if without prior naval or Coast Guard service. Unless higher rating is authorized by paragraphs (3), (4), or (6) hereof, men without prior naval or Coast Guard service shall be enlisted in the rating of apprentice seaman.

(3) Those holding radio licenses issued by the Federal Communication Commission, will be enlisted in the ratings shown in the following table. At any time after enlistment, such men may be examined and when qualified in accordance with section 2, chapter 5, part D, of the Bureau of Navigation Manual, may be advanced to the rating shown. Thereafter advancements shall be made in accordance with § 6.3703 (1) and (2).

License held	Rating in which enlisted	Authorized rating when qualified
Radiotelegraph—Commercial:		
First class	Seaman, first class.	Radioman, second class.
Second class	do.	Do.
Operators permit.	do.	Radioman, third class.
Radiotelegraph—Amateur:		
Class A or B	do.	Do.
Class C	Seaman, second class.	Seaman, first class.

(4) Vacancies in yeoman allowances of organizations of the Naval Communication Reserve, as promulgated from time to time, may be filled by the enlistment of desirable candidates as seaman second class (for yeoman), and when they have qualified in accordance with section 2, chapter 5, part D of the Bureau of Navigation Manual, (available in the Bureau of Navigation, Navy Department), they may be advanced to the rating of yeoman third class.

(5) Men who have been honorably discharged from the Navy or Coast Guard in radioman, signalman, quartermaster, and yeoman ratings are eligible for enlistment in class V-3 in the same or corresponding rate to that in which discharged. If more than 5 years have elapsed since date of discharge, the prior approval of the Bureau is required before enlistment is effected.

(6) Instructions relative to enlistment in telegrapher ratings will be covered in separate publication.

§ 6.2512 *Enlistments in Volunteer Reserve, class V-4.* Enlistments in class V-4 will be made in accordance with such instructions as may be issued from time to time.

§ 6.2513 *Enlistments in Volunteer Reserve, class V-5.* Enlistments in class V-5 will be made in accordance with the instructions for the selection of candidates for aviation training contained in §§ 6.10101-6.10704.

§ 6.2514 *Enlistments in Volunteer Reserve, class V-6.* (1) Former enlisted men of the Navy or Naval Reserve physically and professionally qualified may be enlisted in class V-6 in ratings formerly held by them, or for which qualified.

(2) Other men without prior naval service may be enlisted in class V-6 in ratings for which qualified.

(3) In time of peace no enlistments will be made in class V-6 below that of seaman first class or fireman second class.

(4) In the cases of applications for enlistments in hospital corps ratings, requests shall be forwarded to the Bureau of Navigation, via the District Commandant and the Bureau of Medicine and Surgery, accompanied by Form N. Nav. 471.

§ 6.2515 *Enlistments in the Merchant Marine Reserve, class M-1.* Enlistments in class M-1 will be made in accordance with instructions issued by the Bureau of Navigation from time to time.

§ 6.2516 *Reports of rejections for physical defects.* (1) If a candidate for enlistment or reenlistment in any class of the Naval Reserve is found not physically qualified, Form NRB 24 shall be forwarded to the Bureau of Medicine and Surgery, except that, if recommendation for waiver of the defect is made, Form N. Nav. 54 shall be used and forwarded to the Bureau of Medicine and Surgery via the commanding officer and the District Commandant, who will make recommendation in regard to rejection or enlistment.

(2) The submission of Forms NRB 24 required above shall be periodic but at least monthly.

SUBPART C—PROMOTION—ORGANIZED RESERVE, VOLUNTEER RESERVE, AND MERCHANT MARINE RESERVE

General

§ 6.3101 *Promotion of officers in time of peace.* In time of peace, officers of the Organized Reserve, Volunteer Reserve other than officers of class A-V (N), and Merchant Marine Reserve, shall be promoted in accordance with provisions of sections 2, 3, 4, 5, and 6, of this chapter. Officers of class A-V (N) shall be promoted in accordance with the provisions of § 6.10701 hereof.

§ 6.3102 *Promotions of officers in time of war.* (1) In time of war or national emergency, officers of the active list of the Naval Reserve employed on active duty shall be advanced in their respective corps in grade and rank in the same manner as is or may be prescribed for officers of the Regular Navy, in such numbers for each grade or rank as may be prescribed from time to time by the Secretary of the Navy, and when

so advanced shall take precedence among themselves and with other officers of the Navy in accordance with date of such advancement or promotion.

(2) No officer of the Naval Reserve shall be advanced to a higher rank until he has qualified therefor by such mental, moral, professional, and physical examinations as the Secretary of the Navy may prescribe.

(3) All officers of the Naval Reserve who may be advanced to a higher grade or rank under the provisions of this article shall be allowed the pay and allowances of the higher grade or rank from the dates of rank stated in their commissions.

(4) The provisions of this article shall not apply to officers who have been or may hereafter be retired from the Naval Reserve Force or the Naval Reserve.

Promotions of Officers of the Organized Reserve and Volunteer Reserve (General Service) Up To and Including Lieutenant Commander

§ 6.3201 *Promotion by seniority on lineal precedence list.* Officers of the Organized Reserve and Volunteer Reserve (General Service) will be promoted in the order of their seniority in accordance with the provisions of this section.

§ 6.3202 *Lineal precedence list.* (1) For purposes of promotion, line officers of the Organized Reserve and Volunteer Reserve (General Service) will be arranged on a lineal precedence list in each grade, according to dates of commission therein. Officers of class A-V (N) will, however, be placed on a separate precedence list. Upon transfer to another class after termination of their active duty and final disposition of promotion status in accordance with the provisions of § 6.10201 (3), these officers will be transferred to the appropriate precedence list.

(2) Staff officers of the Organized Reserve and Volunteer Reserve (General Service) will become eligible for consideration for promotion when the line officer next senior becomes so eligible. In cases where several line officers of the Organized Reserve or Volunteer Reserve (General Service) have the same date of rank on the lineal precedence list, staff officers of the same date of rank will become eligible for consideration for promotion on the same date as the junior of such line officers.

§ 6.3203 *Computation of number of vacancies in each grade—Organized Reserve and Volunteer Reserve (General Service).* Commissioned line officers of the Organized Reserve and of the Volunteer Reserve (General Service) of the rank of lieutenant commander and lieutenant shall not exceed the percentages of 16 and 37 percent, respectively, of the total number of commissioned line officers of the ranks of lieutenant commander and below in the Organized Reserve and Volunteer Reserve (General

Service) combined, exclusive of commissioned warrant officers.

§ 6.3204 *Computation of number of vacancies in each rank.* Computations to determine the number of officers in each rank will be made semiannually on December 31 and June 30. No officer will be reduced in rank as a result of any computation. After establishing by examination their physical and professional qualifications, officers will, if morally and otherwise qualified, be promoted by seniority to fill vacancies in the various grades.

§ 6.3205 *Five years service in grade required.* For officers of the Organized Reserve and Volunteer Reserve (General Service) 5 years continuous service in grade in these classes is required as a prerequisite to eligibility for promotion to the next higher grade, computed from date of precedence.

§ 6.3206 *Fifty-six days active service required.* (1) A minimum of 56 days active or training duty in grade, other than short periods of group training, is required as a prerequisite to eligibility for promotion to the next higher grade, computed from date of precedence.

(2) At the discretion of the Bureau of Navigation, a lesser amount of training duty may be required of line and staff officers while in the Volunteer Reserve (General Service), but in no case shall such line officer be promoted who has performed less than 28 days active or training duty in grade, nor a staff officer with less than 14 days, with a naval activity.

(3) Subject to the provisions of the preceding paragraph hereof, as to minimum amounts of active or training duty required, credits will be given for the satisfactory completion of correspondence courses in lieu of training duty at the rate of one course for each period of 14 days such duty.

(4) Medical and dental officers of the Volunteer Reserve will be credited with 1 day's training duty for promotion purposes for every five physical examinations or complete dental examinations conducted while in an inactive duty status without compensation. A report of such examinations certified by the commanding officer or Commandant concerned shall be forwarded annually with the officer's annual fitness report or with his application for promotion.

(5) Active duty with the Civilian Conservation Corps is not considered as active or training duty for purposes of promotion, but will be credited in part for this purpose on the basis of 2 weeks' such credit for each tour of such duty performed in the capacity of a Reserve officer on active duty, of approximately 6 months duration, provided the minimum active or training duty with a naval activity required by paragraph (2) hereof has been performed.

§ 6.3207 *Required to qualify for promotion when due.* (1) Except as provided in paragraphs (2) and (3) hereof, an officer of the Organized Reserve or

Volunteer Reserve (General Service) will be required to qualify for promotion within a period of 6 months from date of notification that he is due therefor. If he qualifies within this period, he will be promoted without loss of precedence. If he fails to qualify, he may be discharged, or, in the discretion of the Bureau of Navigation, retained in his rank for a further period of 6 months. During this second 6 months period, should he qualify he may be promoted but his date of precedence in the next higher grade shall not be earlier than the date of his qualification therefor. At the end of 1 year should he fail to qualify he shall be discharged, or transferred in present rank to that Special Service class of the Volunteer Reserve in which qualified for original appointment.

(2) Especially desirable officers in the grades of ensign and lieutenant (junior grade), in lieu of being discharged at the end of the 1-year period, in accordance with the preceding paragraph hereof, may be retained in present rank for a further period of 2 years. During this additional 2-year period, should they qualify they may be promoted, but their date of precedence in the next higher grade shall not be earlier than the date of their qualification therefor. At the end of this additional 2-year period, should they fail to qualify they shall be discharged, or transferred in present rank to that Special Service class of the Volunteer Reserve in which qualified for original appointment.

(3) Desirable officers of class A-V (G) who fail to qualify professionally, may, if so recommended, and in the discretion of the Bureau of Navigation, be retained in rank and class but not beyond their thirty-fifth birthday. This provision will not preclude the discharge of such officer at any time.

Promotions of Officers of the Volunteer Reserve (Special Service) up to and Including Lieutenant Commander

§ 6.3301 *Computation of number of vacancies in each grade, Volunteer Reserve (Special Service).* (1) The number of officers, Volunteer Reserve (Special Service), authorized for each grade and class thereof will be determined by the mobilization requirements, as approved by the Bureau of Navigation, due consideration being given to the recommendations of other bureaus and offices, and will be published from time to time in tables of quotas.

(2) Vacancies in the authorized number in each grade and class below that of commander may be filled by the promotion of those officers qualified therefor in accordance with §§ 6.3302 and 6.3605 hereof. Such vacancies may also be filled by original appointments in accordance with §§ 6.2101-6.2107 and 6.2301-6.2303.

(3) Nominations of officers for promotion to fill vacancies will be made to the

Bureau of Navigation by the District Commandants.

(4) Nominations shall include a recommendation from the activity controlling the mobilization assignment, which recommendation shall indicate that such assignment warrants the higher rank. Nominations (or recommendations) shall also positively indicate the existence of a vacancy in grade and class in mobilization quotas.

§ 6.3302 *Eligibility for consideration for promotion—Officers Volunteer Reserve (Special Service).* (1) An officer of the Volunteer Reserve (Special Service) will become eligible for consideration for promotion to fill a vacancy in the next higher grade, after a minimum of 5 years' service in grade, or with a lesser amount of service if so recommended by the Commandant and/or the bureau or office concerned, provided he meets the requirements for original appointment in such grade and class.

(2) He must also have performed a sufficient amount of active or training duty with or without pay or have performed such other duties or activities (including the preparation of papers on technical subjects relating to the work of the specialty in which appointed), as to satisfy the Commandant, bureau or office concerned of his interest in preparing himself for active service. Satisfactory completion of a correspondence course in his specialty will be considered in determining such interest.

(3) No promotion shall be made to a higher grade in excess of the mobilization requirements of that grade.

§ 6.3303 *Officers required to qualify for promotion.* (1) An officer of the Volunteer Reserve (Special Service) whose nomination for promotion is approved will be required to qualify therefor within a period of 6 months from date of notification by the District Commandant of such approval; or, in case written examination is required as provided for in § 6.3605 (1), within a period of 6 months from date of notification that such examination is required. If qualified as above, he will be promoted, taking date of new rank as of date of nomination. If he fails so to qualify he may be discharged, or, in the discretion of the Bureau of Navigation, retained in his rank for a further period of 6 months. During this second 6-month period, if he qualifies, he will be promoted but will take date of rank as of date of receipt of his papers in the Navy Department.

(2) At end of the 1-year period should he fail to qualify, he may be discharged, or:

(a) Transferred in present rank to that special service class of the Volunteer Reserve in which qualified for original appointment including the requirements of § 6.2301 (3).

(b) Upon recommendation of the bureau or office having cognizance of his specialty, retained in present rank and mobilization assignment.

Promotions of Officers of the Merchant Marine Reserve up to and Including Lieutenant Commander

§ 6.3401 *Eligibility for promotion—Officers of Merchant Marine Reserve.* (1) During peace time, officers of the Merchant Marine Reserve employed on shipboard are eligible for promotion to grades not above that of lieutenant commander when the following conditions have been fulfilled:

(a) He must have served on board an active vessel suitable for use as a naval auxiliary in time of war, for at least 1 year.

(b) He must be performing permanent duties which would entitle him to appointment in the higher grade were he receiving his original appointment. In order to establish the permanency of his duties, the Bureau of Navigation requires that he shall have been employed in the higher position in a ship of the approved list or in a ship suitable for use as a naval auxiliary in time of war continuously for at least a year immediately preceding his promotion.

(c) He must be recommended by the following:

For a master:

1. The owners or operators of the vessel or their agent.
2. The Commandant of the naval district.

For a deck officer:

1. The master of the vessel.
2. The owners or operators of the vessel or their agent.
3. The Commandant of the naval district.

For a chief engineer:

1. The owners or operators of the vessel or their agent.
2. The Commandant of the naval district.

For other engineer officers:

1. The chief engineer.
2. The master of the vessel.
3. The owners or operators of the vessel or their agent.
4. The Commandant of the naval district.

(d) He must be physically qualified for original appointment in the higher grade.

(2) Officers of the Merchant Marine Reserve not employed on shipboard will be eligible for consideration for promotion to grades not above that of lieutenant commander when the mobilization station to which assigned warrants the higher rank. The scope of their examination for promotion shall be the same as prescribed for officers of the Volunteer Reserve (Special Service), in § 6.3605 (1).

(3) The fitness of a Merchant Marine officer for promotion will be determined from letters of recommendation from persons designated as competent author-

ity. These letters must substantiate the fact that the officer concerned has actually been employed continuously in a ship suitable for use as a naval auxiliary in time of war for a period of at least 1 year immediately preceding; that he is actually at the time serving in the capacity which entitles him to be promoted to the higher grade, and that the record of his service has been satisfactory. The Commandant of the naval district shall make the necessary arrangements for physical examination, and shall forward report of examination with letters of recommendation from the master, owners, or other required authority and his own recommendation to the Bureau of Navigation via the Bureau of Medicine and Surgery.

Promotions of Officers Above Grade of Lieutenant Commander

§ 6.3501 *Selection boards.* (1) No officer shall be initially appointed in the Organized, Volunteer, or Merchant Marine Reserve in the grade or rank of rear admiral, captain, or commander, nor promoted to such grade or rank, except upon recommendation therefor by a selection board.

(2) For the purpose of complying with the above provisions of law, selection boards will be convened by the Secretary of the Navy, from time to time, as may be required. Each such board will be composed of not less than five officers of the corps and of or above the grade for which selections are to be made, one of whom shall if practicable be an officer of the Naval Reserve. The procedure will in general be the same as that followed by selection boards for the regular Navy.

§ 6.3502 *Promotion above grade of lieutenant commander in Organized Reserve.* (1) In the Organized Reserve, the authorized number of officers in grades or ranks above that of lieutenant commander is one-half of 1 per centum, or the nearest fraction thereof, of the actual number of enlisted men regularly assigned to the divisions or other units of the Organized Reserve and entitled to drill pay.

(2) To determine the authorized number of officers in such higher grades or ranks, computations shall be made by the Bureau of Navigation annually as of June 30 and the resulting numbers as so computed shall be held and considered for all purposes as the authorized number on the date of computation, which number shall not be varied between the dates of such computations. But no officer shall be reduced in rank as a result of any computation so made, nor shall his promotion in time of war be restricted on account thereof.

(3) Of the authorized number in such higher grades or ranks, at least two-thirds shall be apportioned to the grade or rank of commander.

(4) The distribution of the number authorized in such higher grades or ranks among classes D-O, DE-O, E-O, A-O, SC-O, and MC-O shall be in the same

proportion as the total number of officers in any class bears to the total actual number of officers on the rolls of the Organized Reserve as a whole as of the date of the computation. For purposes of computations, selections, and promotions, officers of classes D-O, DE-O, and E-O will be considered as constituting one class.

(5) The vacancies in each grade in each class having been thus determined, the Bureau of Navigation will then initiate action toward the convening of the necessary selection board or boards, in accordance with the provisions of § 6.3501 hereof.

(6) The Bureau of Navigation will submit to the foregoing selection board or boards the names of Naval Reserve officers eligible for consideration for selection in accordance with subparagraph (8) hereof, together with their records and other pertinent data.

(7) The selection boards shall make recommendations for promotion to the grades of commander and captain in numbers not exceeding those required to fill existing and prospective vacancies in these grades.

(8) As a prerequisite for eligibility for consideration for selection, officers of the Organized Reserve must have served not less than 5 years in the next lower grade as of the date of the computation, and otherwise be eligible for promotion in accordance with § 6.3206 (1). Line officers must have satisfactorily completed a correspondence course in strategy and tactics.

§ 6.3503 *Promotion above grade of lieutenant commander in Volunteer Reserve.* (1) The number of officers appointed or promoted to grades or ranks above that of lieutenant commander in the Volunteer Reserve shall not exceed mobilization needs for such officers for duties appropriate to these grades or ranks.

(2) Annually, as of June 30, the Bureau of Navigation will make a survey as to the number of officers above the grade of lieutenant commander required in the various classes of the Volunteer Reserve to meet mobilization needs. In accordance with the results of this survey, the Bureau of Navigation will recommend to the Secretary of the Navy the number of officers to be promoted to the grade of captain in each class of the Volunteer Reserve, and the number to be appointed or promoted to the grade of commander. Depending upon the Secretary of the Navy's approval, the Bureau of Navigation will then initiate action toward the convening of the necessary selection boards in accordance with the provisions of § 6.3501 hereof.

(3) The Bureau of Navigation will submit to the foregoing selection boards the names of Naval Reserve officers eligible for consideration for selection in accordance with subparagraph (5) hereof, together with their records and other pertinent data, and the names of all

eligible civilian candidates for appointment in such higher grades, together with such information with respect to them as may be available.

(4) The selection boards shall make recommendations for promotion to the grades of commander and captain, and for appointment to the grade of commander, in numbers not exceeding those approved by the Secretary of the Navy.

(5) As a prerequisite to eligibility for consideration for selection the following requirements shall be met:

(a) General Service officers must have served not less than 5 years in next lower grade as of the beginning of the fiscal year during which the selection board is convened, and have performed not less than 6 weeks of active or training duty, with or without pay, during the last 4 years of such service. In addition to the above, line officers must have satisfactorily completed a correspondence course in strategy and tactics. The foregoing active or training duty may be performed in periods of 2 or more weeks each, but, during this time, not more than 2 years shall elapse without the performance of at least one period of training duty.

(b) Special Service officers must have served not less than 5 years in the next lower grade as of the beginning of the fiscal year during which the selection board is convened and have performed at least 2 weeks' active or training duty, with or without pay, during the 4 years immediately preceding selection, and have satisfactorily completed a correspondence course appropriate to their class or other training requirements prescribed for such class; or else, they must have attained national prominence in the specialty for which selections will be made and must be so certified and recommended by the Chief of the Bureau or Office having cognizance of such specialty.

(c) Civilian candidates must have attained national prominence in the specialty for which selections will be made and must be so certified and recommended by the Chief of the Bureau or Office having cognizance of such specialty.

§ 6.3504 *Promotion above grade of lieutenant commander in Merchant Marine Reserve.* (1) The number of officers appointed or promoted to grades or ranks above that of lieutenant commander in the Merchant Marine Reserve shall not exceed mobilization needs for such officers for duties appropriate to these grades or ranks.

(2) Annually, as of June 30, the Bureau of Navigation will make a survey as to the number of officers above the grade of lieutenant commander required in the Merchant Marine Reserve to meet mobilization needs. In accordance with the results of this survey, the Bureau of Navigation will recommend to the Secretary of the Navy the number of officers to be promoted to the grades of captain and commander. Depending upon the Secretary of the Navy's approval, the Bureau

of Navigation will then initiate action toward the convening of the necessary selection boards in accordance with the provisions of § 6.3501 hereof.

(3) The Bureau of Navigation will submit to the foregoing selection boards the names of officers eligible for consideration for selection in accordance with subparagraphs (5) and (6) hereof, together with their records and other pertinent data.

(4) Selection boards shall make recommendations for promotion to the grades of captain and commander, in numbers not exceeding those approved by Secretary of the Navy.

(5) As a prerequisite to eligibility for consideration for selection, deck and engineer officers of the Merchant Marine Reserve must have met the following requirements:

(a) Must have served not less than 4 years in the next lower grade as of the date of the survey and have satisfactorily completed a correspondence course in strategy and tactics.

(b) Must be employed as master or chief engineer of a vessel of over 12,000 tons displacement and have been continuously so employed during the 2 preceding years. If employed on shore, must be so employed in a position of high authority, trust, and responsibility in connection with the management or operation of tankers, cargo, or passenger vessels of approximately equal size, and have been continuously in the service of the same employer during the preceding 2 years.

(c) During the preceding 4 years must have performed at least 4 weeks' active or training duty, with or without pay, and satisfactorily have completed a correspondence course in addition to the one mentioned in subparagraph (a) hereof.

(6) As a prerequisite to eligibility for consideration for selection officers of class MC-M and SC-M must comply with the provisions of § 6.3503 (5) (b).

§ 6.3505 *Promotion to grade of rear admiral.* (1) In time of peace there shall be allowed in the Naval Reserve one officer in the grade or rank of rear admiral.

(2) Whenever this grade becomes vacant, it shall be filled by the selection thereof of an officer of the next lower grade.

(3) All officers who, on June 30 of the fiscal year during which the selection board meets, will have completed not less than 4 years in the next lower grade in the Organized Reserves, the Volunteer Reserve, or the Merchant Marine Reserve will be eligible for consideration for selection to fill such vacancy.

§ 6.3506 *Officers required to qualify for promotion when due.* An officer of the Organized Reserve, Volunteer Reserve (General Service), Volunteer Reserve (Special Service), or Merchant Marine Reserve, when due for promotion as a result of selection, will be required to

qualify therefor within a period of 6 months after date of notification by the District Commandant of such selection. If he qualifies within this period he will be promoted without loss of precedence. If he fails so to qualify, he may be discharged, or in the discretion of the Bureau of Navigation retained in his rank for a further period of 6 months. During this second 6-month period, should he qualify, he may be promoted, but his date of precedence in the next higher grade shall not be earlier than the date of his qualification therefor. At the end of the year should he fail to qualify, he may be discharged or:

(a) In the case of an officer of the Organized Reserve or Volunteer Reserve (General Service), transferred in present rank to that Special Service class of the Volunteer Reserve in which qualified for original appointment, including the requirements of article H-2301 (3).

(b) In the case of an officer of the Volunteer Reserve (Special Service), or Merchant Marine Reserve, upon the recommendation of the bureau or office having cognizance of his specialty, retained in present rank and mobilization assignment.

Professional Examinations

§ 6.3601 *Officers required to appear for examinations.* (1) Naval Reserve officers not on active duty authorized to appear for examination for promotion are required to appear without expense to the Government when directed by the Commandant for both physical and professional examinations.

(2) An officer shall be allowed a reasonable time to complete his examination, after date of reporting therefor. In the event it becomes impracticable for such officer to continue his examination on consecutive days, he may be allowed additional time, but except on the authority of the Bureau of Navigation, if the professional examinations are not completed within 30 days from the date of their commencement, the unused examination questions shall be returned to the Bureau with a report of the circumstances.

(3) In case an officer does not report for professional examination within 11 months from date of notification as indicated in §§ 6.3207 (1), 6.3506 (1), 6.3605 (1), and 6.3606, report of this fact with appropriate recommendation shall be made to the Bureau of Navigation. Unless such a recommendation contemplates retention of an especially desirable officer in accordance with the provisions of § 6.3207 (2) and (3), the unused examination papers shall be returned to the Bureau of Navigation. If retention is recommended, the papers should be retained pending the Bureau's action.

§ 6.3602 *Professional examinations to be conducted by supervisory Naval Examining Board.* (1) Professional examinations for appointment, promotion, or transfer will be conducted by supervisory naval examining boards composed of

officers of the Regular Navy or the Naval Reserve, or both Navy and Naval Reserve, appointed by the Commandant.

(2) The composition and procedure of the supervisory board shall be in accordance with sections 845 and 937 to 950, inclusive, Naval Courts and Boards.

(3) At least one member of the board shall be present with the candidate at all times while undergoing examination.

§ 6.3603 *Records of proceedings to be forwarded to statutory Naval Examining Boards.* Upon completion of examination, the record of proceedings shall be forwarded by the supervisory naval examining board as follows:

(a) Line, commissioned officers (deck, engineer, aviation, and communication), and boatswains, gunners, carpenters, electricians, radio electricians, and machinists.

To: Naval Examining Board, Navy Department, Washington, D. C.

(b) Medical officers, dental officers, and pharmacists.

To: Naval Examining Board for Medical Officers, U. S. Naval Medical School, U. S. Naval Medical Center, Washington, D. C.

(c) Supply officers and pay clerks.

To: Naval Examining Board for Supply Corps, Navy Department, Washington, D. C.

(d) Chaplains.

To: Naval Examining Board for Chaplains, Navy Department, Washington, D. C.

(e) Naval constructors and assistant naval constructors.

To: Naval Examining Board for Construction Corps, Bureau of Construction and Repair, Navy Department, Washington, D. C.

(f) Civil engineers and assistant civil engineers.

To: Naval Examining Board for Civil Engineers, Bureau of Yards and Docks, Navy Department, Washington, D. C.

§ 6.3604 *Scope of examination for officers of Organized Reserve and Volunteer Reserve (General Service).* (1) Promotion to captain and commander.

(a) For promotion to the ranks of captain and commander, deck and deck-engineer officers will be examined in—

General Instructions.

Training and Inspection of the Naval Reserve.

Organization and Administration of the Naval Reserve.

Recruiting and Mobilization of the Naval Reserve.

(b) For promotion to the ranks of captain and commander, engineering duty only, the subject of Recruiting and Mobilization of the Naval Reserve will be omitted and the subjects of Marine Engineering and Electricity substituted therefor.

(c) For promotion to the ranks of captain and commander, aviation officers will be examined in the subjects

enumerated in subparagraph (1) (a) hereof as applied to the aviation branch of the Naval Reserve.

(d) For promotion to the ranks of captain and commander, staff officers will be examined in subjects suitable to the staff corps to which they belong.

(2) Promotion to lieutenant commander, lieutenant, lieutenant (junior grade), and appointment to ensign.

(a) Deck officers will be examined in—
General Instructions.
Training and Inspection of the Naval Reserve.

Navigation and Piloting.
Practical Navigation.
Seamanship.
Ordnance and Gunnery.
Communications.

(b) Engineer officers will be examined in—

General Instructions.
Marine Engineering.
Electricity.

(c) Similarly, deck-engineer officers will be examined in—

General Instructions.
Training and Inspection of the Naval Reserve.

Navigation and Piloting.
Practical Navigation.
Seamanship.
Ordnance and Gunnery.
Communications.
Marine Engineering.
Electricity.

(d) Aviation flight officers will be examined in—

General Instructions.
Airplanes, part I.
Airplanes, part II.
Airplanes, part III.
Navigation and Piloting.
Practical Navigation.
Communications.

(e) Communication officers will be examined in—

General Instructions.
Training and Inspection of the Naval Reserve.

Navigation and Piloting.
Practical Navigation.
Communications.

(f) Medical officers will be examined in—

General Instructions for Medical Officers.
Professional knowledge.

(g) Dental officers will be examined in—

General Instructions for Dental Officers.
Professional knowledge.

(h) Supply officers will be examined in—

General Instructions for Supply Officers.
Appropriations and Funds.

Accounting.
Naval Stores and Material.
Requisitions.
Purchasing.
The Supply System Ashore.
Supply Afloat.
Provisions and Subsistence.
Clothing and Small Stores.
The Ship's Store.
Fuel, handling, inspection and testing of.
Shipments.
Surveys and Sales.
Navy Disbursing.

(i) Chaplains will be examined in—
General Instructions for chaplains.
Professional knowledge.

(3) *Scope of examinations.* The scope of the professional examinations for assignment to or promotion of officers in the Organized Reserve or Volunteer Reserve (General Service) or for transfer to those classes, shall include questions in the subjects listed in the following paragraphs appropriate to the grade and class for which the candidate is to be examined.

(4) *Requirements and bibliography, officers of the line.* Requirements under the various subjects and the necessary bibliography follow:

- (a) *General instructions.* (1) Navy Regulations.
- (2) Naval Reserve Regulations.
- (3) General Orders.
- (4) Military law—discipline—punishments.
- (5) Stores and supplies—surveys.¹
- (6) Preparation and handling of official correspondence.
- (7) Duties of commanding officers.
- (8) Duties of executive officers.
- (9) Duties of heads of departments.
- (10) Duties of officer of the deck.¹
- (11) Duties of officer of the watch (deck and engineering).¹
- (12) Duties of division officers.
- (13) Bureau of Aeronautics Manual.²

Bibliography

Navy Regulations.
General Orders.
Naval Courts and Boards.
Bureau of Navigation Manual.
Bureau of Aeronautics Manual.
Correspondence Course in Navy Regulations and Customs.
Correspondence Course in Military Law.
Watch Officers' Guide.

(b) *Training and inspection of the Naval Reserve.* (1) Active training duty requirements for organizations and for individuals of each class of the Naval Reserve.

(2) Active training duty permissible with pay and without pay and procedure in procuring.

¹ Not required for aviation officers.

² Required for aviation officers only.

⁴ Not required for communication officers.

(3) Short cruises, when and by whom performed, remuneration and allowance, procedure in arranging for and reporting upon.

(4) Drills, equivalent instruction or duty, appropriate duties—character of and requirements for organizations and individuals of each class of the Naval Reserve.

(5) Correspondence courses—by whom conducted—to whom open; subjects covered.

(6) Instructors of Naval Reserve organizations—of whom composed, and duties, responsibilities, and authority.

(7) Inspections of organizations—requirements with relation to, by whom and how often conducted, how conducted, nature and scope of resulting reports.

(8) Inspections and inventories of equipment—requirements with relation to, by whom and how often conducted, how conducted, nature and scope of resulting reports.⁴

(9) Physical and professional examinations—requirements with relation to to each class and subclassification of the Naval Reserve, by whom and how often conducted, how conducted, nature and scope of resulting reports.

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(c) *Organization and administration.*

(1) Composition of the Naval Reserve by classes and subclassifications.

(2) Basic units of organizations for those of the foregoing classes and subclassifications required or authorized to belong to organizations.

(3) Mission of the Naval Reserve and of each class thereof.

(4) Reasons for each type of unit organization as related to ultimate mission.

(5) Amalgamation of units into larger organizations and reasons.

(6) Chain of command, how exercised.

(7) Duties with relation to the Naval Reserve of the Secretary of the Navy, the Chief of Naval Operations, Bureau of Navigation, Bureau of Supplies and Accounts, Bureau of Medicine and Surgery, Bureau of Aeronautics, Bureau of Engineering, Bureau of Construction and Repair, and Bureau of Yards and Docks.

(8) Active or training duty, how procured and by whom authorized.

(9) Funeral escorts, how procured and by whom authorized.

(10) Reports required, from individual reservists, from commanders or organizations, from district commandants.

(11) Pay and allowances for active duty, training duty, drills, equivalent instruction or duty, appropriate duties, short volunteer cruises; amount; by whom authorized; by whom paid.

(12) Additional allowances for administrative duties for uniform clothing, for

travel, for injuries; conditions under which procurable and by whom paid.

(13) Hospitalization—for whom and conditions under which authorized and how procured.

(14) Discipline—conditions under which Naval Reservists are amenable to and how enforced while on inactive duty and while on active duty.

(15) Causes for discharge of officers and men.

(16) Honorary Retired List—of whom composed.

(17) Precedence of Naval Reserve officers among themselves and with relation to officers of the Regular Navy in peace and in war.

(18) Promotions of officers and advancements of men; conditions governing for each subclassification.

(19) Conditions surrounding appointments of enlisted reservists to Naval Academy.

(20) Conditions under which uniforms are required to be worn or may be worn or may not be worn.

(21) Accountability for Government property.

(22) Precedence of Naval Reserve organizations with respect to other military organizations in line of parade.

(23) Transfers between classes—how accomplished.

(24) Requirements relative to changes of residence or trips abroad.

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(d) *Recruiting and mobilization.* (1) Enlistments in Naval Reserve in each subclassification. Physical requirements, professional requirements, age limits, by whom made, how made, where made, term of.

(2) Appointments of officers in Naval Reserve in each subclassification. Physical requirements, professional requirements, age limits, by whom made, how made, where made, term of.

(3) Aviation cadets—requirements governing appointment of.

(4) Extension of enlistment—how and by whom made and other conditions surrounding.

(5) Mobilization of a Division—composition of a Reserve crew, and of an Organized Reserve Unit—method of making up deficiencies in officers and men—assembly at mobilization center and movements to mobilization base.

(6) Mobilization of an aviation squadron. Composition of Reserve Squadrons—method of making up deficiencies in officers and men—assembly at mobilization center and movements to mobilization base.

(7) Officers in excess of reserve crew requirements—where and by whom mobilized.

(8) Mobilization of the Volunteer Reserve, General Service—character of

duties to be assigned—when and by whom is mobilization accomplished.

(9) Mobilization of the Volunteer Reserve, Special Service—character of duties to be assigned—when and by whom is mobilization accomplished.

(10) Mobilization of the Merchant Marine Reserve—character of duties to be assigned—when and by whom is mobilization accomplished.

(11) Recruiting and classification of personnel in an emergency.

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(e) *Navigation and piloting.* (1) Charts and uses thereof.

(2) Causes of deviation and compensation of magnetic compass.

(3) Finding compass error and application of same.

(4) Ability to take bearings and determine position by same.

(5) System of buoyage in the United States.

(6) Methods of obtaining soundings and their use in determining position.

(7) Duties of the navigator—in port and at sea.

(8) Characteristics and identification of lights.

(9) Care of chronometer and keeping chronometer records. Obtaining chronometer error and rate.

(10) Care and use of gyrocompass.¹

(11) Adjustment and use of various navigational instruments found on board ship.¹

(12) Use of tide and current tables. Finding sunset and sunrise.

(13) Rules of the air.²

(14) Rules of the road—International and inland waters.

(15) Finding force and direction of wind, state of sea.²

(16) Determination of drift angle, track, course and heading.²

(17) Aerial dead reckoning.²

(18) Adjustment and use of various navigational instruments used in aerial navigation.²

(19) Use of aircraft navigation plotting boards.²

(20) Use of tactical graphics for aircraft operations.²

(21) Meteorology.²

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⁴ Not required for communication officers.

¹ Not required for aviation officers.

² Required for aviation officers only.

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(f) *Practical navigation*. (1) Dead reckoning.

(2) Great Circle sailing.⁴
(3) Taking and working out sights of sun, moon, planets, and stars. Plotting fix by means of sights. Identification of stars.⁴

(4) Azimuths and computation of compass errors.^{1,4}

(5) Use of radio direction finder bearings in determining position.

(6) Simple cases in use of Mooring and Maneuvering Board.

(7) Aerial dead reckoning and piloting.²

(8) Piloting a seaplane on the water.²

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(g) *Seamanship*. (1) Ship, boats, fittings, and equipment—care and handling of.

(2) Rules of the road—International and inland waters.

(3) Pilot rules.

(4) Damage control.

(5) Chemical warfare.

(6) Emergency drills.

(7) Organization of ship.

(8) Weather and Law of Storms.

(9) Rescue of drowned.

(10) Duties of watch and division officers.

¹ Not required for aviation officers.

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⁴ Not required for communication officers.

- (11) Honors, ceremonies.
- (12) Aviation Seamanship.

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(h) *Ordnance and gunnery*. (1) Guns, gun mounts, attachments.

(2) Ammunition.

(3) Explosives.

(4) Projectiles, fuses.

(5) Fire control.

(6) Torpedoes and torpedo tubes.

(7) Armor.

(8) Optical equipment.

(9) Depth charges.

(10) Mines.

(11) Landing force.

(12) Magazines.

(13) Drills and instructions.

(14) Qualifications of gun and fire-control personnel.

(15) Duties of division and gunnery officer.

(16) Safety precautions.

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(i) *Communications*. (1) The Naval Communication Service.

(2) Internal Organizations.¹

(3) Duties and Responsibility of Communication officers.

(a) Ship's communication officer.

(b) Ship's radio officer.

(c) Ship's signal officer.¹

(4) Communication security.

(5) Mobilization of communications.¹

(6) Safety of life at sea and in the air.

(7) Aircraft communications.

(8) Inspections.¹

(9) Messages and mailgrams.²

(10) Shore radiodirection finder and beacon service.²

(11) Procedure.

(a) General.

(b) Naval call signs.

(c) Parts of message in naval form.²

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- (12) Communication procedure.²
- (13) Naval radio telephony.^{1,2}
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(2) Properties of steam.

(3) Fuels, lubricants.

(4) General description of various types main propelling machinery, boilers, and auxiliaries.

(5) Use of measuring instruments; indicators, torsionmeters, etc.

(6) Care and operation of auxiliary machinery.

(7) Duties of officer of the watch, sea and port.

(8) Duties and responsibilities of division officer.

(9) The engine room log.

(10) Preparation for getting under way, all types main propelling machinery, boilers, and fuel.

(11) Procedure in securing the Department on anchoring.

(12) Safety precautions and casualties.

(13) Operation of boiler feed systems, tending water.

(14) Feed water tests.

(15) Operation of forced lubrication systems.

(16) Operation of condenser.

(17) Methods of warming up.

(18) Major adjustments, turbines.

(19) Care, repair, and overhaul of boilers.

(20) Tests of boilers and fittings.

(21) Methods of promoting boiler efficiency.

(22) Operation, care of main turbines.

(23) Tests of lubricating oil, fuel oil.

(24) Care, operation, and adjustment of bearings.

(25) Care, operation, and adjustment of reciprocating engines.

(26) General description of various internal-combustion engines in use in the Service.

(27) Duties and responsibilities of Engineer Officer.

(28) Engineering Materials—uses and characteristics.

(29) Organization of Engineering Department of a ship.

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- (3) Switches.
- (4) Motors.
- (5) Generators.
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- (10) Gyrocompass systems.
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- (12) Direction finders.
- (13) Instruments on board ship.
- (14) Switchboards, description of.
- (15) Searchlights, care and operation.
- (16) Transformers, description and uses of.

(17) Care and operation of generating plants.

(18) Commutator, troubles and remedies.

(19) Uses of electricity aboard ship—voltages used.

(20) Description of interior communication system.

(21) Description and uses of motor generators.

(22) Difference between the use of (1) series, (2) shunt, (3) compound wound motors.

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(a) Aerodynamics and theory of flight.

(b) Aviation history.

(c) Aerology.

(d) Parachutes.

(e) Batteries.

(f) Engines, power plants, power plant accessories.

(g) Aviation fuels and oils.

(h) Aircraft propellers.

(2) Airplanes, part II.

(a) Seaplanes.

(b) Cross country flying.

(c) Salvage, towing, and rescue.

(d) Aircraft instruments.

(e) Aircraft operations.

(3) Airplanes, part III.

(a) Aerial bombs.

(b) Aerial bombsights.

(c) Aerial machine guns and gunnery.

(d) Aircraft radio and communications.

(e) Spotting, observation, and torpedoing.

(4) *Ability to fly alone*. The candidate must successfully pass a flight test, as prescribed by the Bureau of Navigation, in a service type airplane.

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(5) Requirements and bibliography, officers of the Staff Corps—requirements under the various subjects and the necessary bibliography follow:

(a) *General instructions—Medical officers*. (1) Navy Regulations.

(2) Manual of the Medical Department.

(b) *Professional knowledge—Medical officers*. (1) Medicine.

(2) Surgery.

(3) Hygiene.

(4) Sanitation.

(c) *General instructions—Dental officers*. (1) Navy Regulations.

(2) Manual of the Medical Department.

(d) *Professional knowledge—Dental officers*. (1) Oral surgery.

(2) Bacteriology and pathology.

(3) Materia medica and therapeutics.

(4) Prosthodontia.

(e) *General instructions—Supply officers*. (1) Observance of regulations and orders.

(2) Authority of officers of the Supply Corps.

(3) Punishments for offenses.

(4) Assignments to duty of supply officers.

(5) Official correspondence.

(6) Navy Regulations and Bureau of Supplies and Accounts Manual.

(7) Bond requirements for Supply Corps officers.

(8) Duties of commanding officer, executive officer, and heads of departments.

(9) Duties of division officer.

(10) Authority and duties of pay clerks.

(11) Organization of the Navy Department.

(12) Organization and duties of the Bureau of Supplies and Accounts.

(f) *Appropriations and funds*. (1) Source and uses of.

(2) Classes and kinds of.

(3) The general account of advances.

(4) Naval supply account fund.

(g) *Accounting*. (1) Scope and purpose of.

(2) Titles and accounts.

(3) Financial and property returns.

(h) *Naval stores and material*. (1) Classification of.

(2) Navy stock catalog.

(3) Specifications for.

(4) Allowance lists.

(i) *Requisitions*. (1) Methods of procurement of material.

(2) Data shown on requisition form.

(3) Shipment requests.

(4) Preparation and approval of requisitions.

(5) In excess and not in excess requisitions.

(6) Action by yard on ships.

(7) Requisitions for special materials or services.

(j) *Purchasing*. (1) Principles of purchasing system.

(2) Statutory requirements.

(3) Advertising.

(4) Bids, acceptances, and awards.

(5) Formal contracts.

(6) Guarantees and bonds.

(7) Restrictions on purchases.

(8) Defaulting and debarred contractors.

(k) *The supply system ashore*. (1) Upkeep and replenishment of stock.

(2) Receipt and inspection of material.

(3) Care and preservation of stock.

(4) Issue, transfer, and sale of stock.

(l) *Supply afloat*. (1) Books, records and returns.

(2) Receipt, custody, and issue of stock.

(3) Equipage accounts.

(4) Ship allotments.

(m) *Provisions and subsistence*. (1) Purchase, inspection, stowage, inventory, and sale of provisions.

(2) Ration allowances.

(3) Operation of the general mess.

(4) Reports and returns.

- (n) *Clothing and small stores.* (1) Sources of supply.
 (2) Custody, care, issue, and inventory of clothing.
 (3) Reports and returns.
 (o) *The ship's store.* (1) Operation of ship's store.
 (2) Procurement, care, and inventory of stock.
 (p) *Fuel—handling, inspecting, and testing of.*
 (q) *Shipments.* (1) Preparing, marketing, and routing.
 (2) Bills of lading.
 (3) Drayage and demurrage.
 (r) *Surveys and sales.* (1) General method of conducting.
 (s) *Navy disbursing.* (1) General laws and regulations.
 (2) Duties of disbursing officer.
 (3) Method of obtaining and handling cash and funds on deposit.
 (4) Bills of exchange.
 (5) Custody and preparation of checks.
 (6) Preparation and payment of public vouchers.
 (7) Method of keeping pay rolls.
 (8) Payment of Navy personnel.
 (9) Savings and safe-keeping deposits.
 (10) Allotments of pay.
 (11) Preparation and submission of financial reports and returns.
 (12) Forms of Government insurance.
 (13) Suspensions and disallowances.
 (14) Pay and allowances authorized for naval personnel.

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- (t) *General instructions—Chaplains.*
 (1) Navy Regulations.
 (2) Manual for Chaplains.
 (u) *Professional knowledge—Chaplain.* (1) Sermons for young men.
 (2) Lectures for Recruits.
 (3) Naval Traditions.
 (4) Practical Applied Psychology as dealing with youth.
 (5) Sociology—The married enlisted man and his family.
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 (7) Current events.

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 Morale and its Enemies—Hocking.
 Management of Men—Munson.
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 What Men Live By—Cabot.
 Art of Ministering to Sick—Cabot & Dicks.

Social Service and Art of Healing—Cabot.

The Art of Helping People out of Trouble—De Schweinitz.

(6) Chief warrant and warrant officers. Examinations of candidates for appointment as warrant officer or promotion to chief warrant officer, if and when authorized, will be in accordance with the requirements for the corresponding grades in the Regular Navy.

§ 6.3605 *Scope of examination for officers of Volunteer Reserve (Special Service).* (1) The professional examination of officers, Volunteer Reserve (Special Service) will consist of an examination of their records and progress in professional attainments as indicated in increases in earning capacity, authority, and responsibility, and in the discretion of the naval examining board of a written examination in such subjects as the board may specify.

(2) Officers of class A-V (K) will be required to demonstrate their professional fitness for promotion or transfer to class A-O or A-V (G) by passing an examination similar to that required of officers of class A-O or A-V (G) with the exception that officers of class A-V (K) being considered for promotion will not be required to meet the flight qualifications.

§ 6.3606 *Scope of examination for officers of the Merchant Marine Reserve for promotion to captain and commander.* For promotion to the ranks of captain and commander, officers of the Merchant Marine Reserve will be examined in the subjects prescribed for officers of the Organized Reserve and Volunteer Reserve (General Service), as deck officers, engineering officers, or staff officers, according to their classification.

Advancements and Changes in Ratings of Enlisted Men

§ 6.3701 *Requirements for advancement in classes O-1 and O-2.* (1) Enlisted men in classes O-1 and O-2 below the rating of petty officer, first class may be advanced in pay grade to fill vacancies in the quotas in ratings and pay grades prescribed for the organizations to which attached, in accordance with the following requirements:

(a) Except in rating of apprentice seaman, must have served 1 year in present pay grade.

(b) For rating of apprentice seaman, must have served 9 months in that grade.

(c) Must have performed at least 14 days' active or training duty in present pay grade.

(d) Must have performed a minimum of 36 drills or periods of equivalent instruction or duty during the year immediately preceding.

(e) Must be recommended for advancement by his commanding officer.

(f) Must pass the required professional examination as prescribed for enlisted men of the Navy of similar grade;

except that apprentice seaman may be advanced to the rating of seaman second class or fireman third class without professional examination.

(g) Must satisfactorily complete the Bureau of Navigation Training Course for the higher rating before being examined for advancement, except where there are no courses available in the organization for the rating for which the man is being examined. In the latter case, a certification to the effect that the course is not available shall be placed on the report of examination by the commanding officer of the organization.

(h) The information required by subparagraphs (a), (b), (c), (d), and (g) above will appear over the commanding officer's signature in the report of examination.

(2) The professional examinations required for advancements to ratings below that of petty officer first class except hospital corpsman shall be conducted by an officer of appropriate class not below the rank of lieutenant (junior grade). For advancements to petty officer first class, chief petty officer and hospital corpsman ratings, the examinations shall be conducted by a board in accordance with article D-5105 of the Bureau of Navigation Manual (available in the Bureau of Navigation, Navy Department) insofar as applicable to the Naval Reserve.

(3) Petty officers first class of the above classes will be eligible for advancement to chief petty officer (acting appointment) ratings to fill vacancies in the quotas in ratings and pay grades prescribed for the organization to which attached, in accordance with the following requirements:

(a) Must have served 2 years in present pay grade.

(b) Must have performed at least 14 days active or training duty in present pay grade on a cruising vessel, as defined in article H-3708 (b), during each of the last 2 years, exclusive of short periods of training duty without pay or allowances of less than 4 days duration and exclusive of repeated periods of training duty without pay or allowances (see §§ 6.1702 (3) and §§ 6.1703).

(c) Must have performed a minimum of 36 drills or periods of instruction or duty during each of the last 2 years.

(d) Must be recommended by his commanding officer.

(e) Must pass the required professional examination as prescribed for enlisted men of the Navy of similar grade.

(f) Must satisfactorily complete the Bureau of Navigation Training Course for chief petty officers and for the higher rating, except as provided in the cases of other enlisted men in paragraph (1) (g) above.

(4) Enlisted men shall not be advanced more than one grade at a time

except by special authority in each case by the Bureau of Navigation.

(5) Except as provided in paragraph (6) hereof, enlisted men may be advanced by the battalion or squadron commander, or, in the case of a division not attached to a battalion, by the division commander in accordance with the foregoing requirements without reference to the Bureau of Navigation, provided the quota of men in each rating and pay grade as prescribed for the organization is not exceeded.

(6) Advancements to chief petty officer rating and advancements in the hospital corps may be made only after approval by the Bureau of Navigation.

(7) For the purpose of fulfilling requirements as to drills, as a prerequisite for advancement, due credit will be given for drills missed on account of absence in the performance of active or training duty; and for drills performed without compensation.

§ 6.3702 *Requirements for advancement in classes V-1 and V-2.* (1) Enlisted men of classes V-1 and V-2 will be eligible for advancement under the same conditions as prescribed in § 6.3701 for the advancement of men in classes O-1 and O-2 with the following exceptions:

(a) An additional period of 14 days' active or training duty may be credited in lieu of the 36 drills required by § 6.3701 (1) (d) during the year immediately preceding the date of advancement.

(b) Attendance in present rating at 75 percent of the drills of the organization to which attached or with which associated, during the 3 years immediately preceding advancement may be credited in lieu of the drills and active or training duty otherwise required.

(c) Advancements may be made irrespective of vacancies in quotas in ratings and pay grades for the organization to which attached or with which associated. However, in determining the relative efficiency of various organizations, due consideration will be given to the vacancies in such quotas.

(2) Shipkeepers may be advanced in rating under the same conditions as provided in §§ 6.3701 and 6.3708, excepting that 14 days training duty will not be required and credit may be given for constructive drills at the rate of 3 drills per month for each month actually served at shipkeeper duty, toward meeting the minimum requirement of 36 drills as required for advancement of enlisted men of the Organized Reserve and further provided that funds in the Commandant's allotment for pay of shipkeepers are available for the increase of pay.

§ 6.3703 *Requirements for advancement in class V-3.* (1) Except as provided in subparagraphs (2), (3), (4), and (5) hereof, enlisted men of class V-3 may be advanced by Commandants to the next higher rating authorized for that class, when they have complied with the requirements set forth hereinafter. Reference to the authority contained herein shall be made on all records of advancements.

(a) Have served a minimum of 1 year in present pay grade.

(b) Have, during the 15 months preceding advancement, attended a minimum of 75 percent (but in no case less than 27) of all drills authorized for their organization by the District Commandant.

(c) Have performed 14 days' active or training duty during service in present pay grade; or, if such duty is not available, have attended one additional drill above the number required by (b), in lieu of each day short in active or training duty.

(d) Have satisfactorily completed the Bureau of Navigation training course for the higher rating before being examined for advancement, except where there are no courses available in the organization for the rating for which the man is being examined. In the latter case, a certification to the effect that the course is not available shall be placed on the report of examination, Form N. Nav. 471, by the commanding officer of the organization.

(e) Have passed the required professional examinations as prescribed for enlisted men of the Navy for similar grade, except that certain subjects may be exempted when instructional literature and material is not available for training, and where lack of equipment precludes practical demonstration. The examination report, Form N. Nav. 471, shall indicate the subjects exempted for lack of facilities.

(2) For advancement to chief petty officer (acting appointment), class V-3, enlisted men must have complied with the requirements of subparagraph (1), as modified below:

(a) Have served 2 years in next lower pay grade.

(b) Have attended the number of drills required by (1) (b) during each of the last 2 years preceding advancement.

(c) Except chief telegraphers, have performed a minimum of 14 days' active or training duty afloat in next lower pay grade, in addition to duty requirements of subparagraph (1) (c).

(d) Have received Bureau of Navigation's approval of such advancement.

(3) Those men of class V-3 who at the time of their enlistment in the Naval Reserve held valid radiotelegraph operators' licenses issued by the Federal Communications Commission may be initially advanced in accordance with the provisions of § 6.2511 (3). Those V-3 men who acquire such operators' licenses subsequent to enlistment may be similarly advanced upon receipt of the first such license only.

(4) Advancements to chief petty officer (permanent appointment), class

V-3, may be made in accordance with § 6.3708.

(5) Instructions relative to advancement of telegrapher ratings will be covered in separate publications.

§ 6.3704 *Requirements for advancement in class V-4.* Enlisted men of class V-4 may be advanced in rating in time of peace after having served one enlistment in such rating, provided that they have satisfied all requirements as to qualification prescribed by the Bureau of Navigation and in accordance with policies presented from time to time by the bureaus and offices concerned or when the individual is assigned to a new mobilization billet requiring a higher rating or when the importance of his present billet justifies.

§ 6.3705 *Requirements for advancement in class V-5.* Enlisted men of class V-5 shall not be advanced in rating in that class, but may be discharged and appointed aviation cadets in the manner prescribed in §§ 6.10101-6.10704 hereof.

§ 6.3706 *Requirements for advancement in class V-6.* Enlisted men in class V-6 may be advanced in rating in the same manner as prescribed for members of classes V-1 and V-2. Advancements may be made by the District Commandant of qualified men.

§ 6.3707 *Requirements for advancement in class M-1.* Enlisted men of class M-1 will be advanced in ratings under such special instructions as may be issued by the Bureau of Navigation from time to time.

§ 6.3708 *Requirements for permanent appointments of chief petty officers.* Permanent appointments may be issued by the Bureau of Navigation to chief petty officers when recommended by their commanding officers subject to the minimum requirements indicated below:

(a) Must have served under acting appointment for a total of 4 continuous years in their respective ratings having performed not less than 14 days active or training duty on a cruising vessel during each of the last 4 years, and having performed a minimum of 36 drills or periods of equivalent instruction or duty during each of the last 4 years.

(b) Vessels of the United States Fleet, vessels assigned to the Naval Reserve and designated for the performance of the required 14 days annual training duty of organizations, meet the requirement of "cruising vessel." For men in classes O-2 and V-2, active or training duty performed on a shore aviation station will be considered as duty on a cruising vessel for purposes of qualifying for permanent appointment.

(c) In the case of men on active duty in connection with the instruction, training, and drilling of the Naval Reserve, each period of 6 months' continuous duty will be credited at a double value for the purpose of fulfilling the requirements of subparagraph (a) hereof. The issuance of permanent appointments to

men in this category is also dependent upon the availability of funds to cover the increased pay involved.

(d) During the 4-year period necessary to establish eligibility the average marks in proficiency in rating, conduct and ability as leader of men must not be less than 3.5 and no mark (except marksmanship) less than 3.2.

(e) When recommending men for permanent appointment, commanding officers will forward to the Bureau of Navigation page 9 of current service record entered to date and a copy of the report of examination on Form 471. The first endorsement at the bottom of this form must be properly filled out to show the date of the commanding officer's recommendation. This endorsement shall be signed by the commanding officer.

(f) Permanent appointments are issued to protect chief petty officers in their rating and may not be revoked by the commanding officer. Should a man holding a permanent appointment prove not qualified to perform properly the duties of his rating, full report of the circumstances should be made to the Bureau of Navigation. The man concerned should be given an opportunity to make a written statement, and this statement should be forwarded with the recommendation of the commanding officer in the premises.

(g) The effective date of permanent appointment will be determined by the Bureau of Navigation and will be stated on the face of the appointment. When an appointment is received, an entry will be made in the service record of the man and the appointment will be delivered to him at quarters or at drill assemblage. It is the property of the man but may be put with his service record or continuous service certificate if he so desires.

(h) Failure to receive an honorable discharge or to reenlist within three months of date of honorable discharge cancels permanent appointment.

§ 6.3709 *Reports of examination for advancement in rating, N. Nav. 471.* Examinations for enlistment or advancement in rating of enlisted men under §§ 6.2510, 6.2511, 6.3701, 6.3702, 6.3703, 6.3704, 6.3706, and 6.3708, and for transfers pursuant to § 6.4106 (c) and (e), shall be conducted in accordance with Chapter 5, part D, Bureau of Navigation Manual (available in the Bureau of Navigation, Navy Department) insofar as applicable and reported on Bureau of Navigation Form N. Nav. 471, except that all examinations for class V-3 shall be issued and graded by an examining board appointed by district commandants.

§ 6.3710 *Changes in rating in same pay grade.* Changes in rating within the same pay grade may be made under the same conditions as are prescribed for advancements in rating, except as to the requirements for length of service in rating or pay grade, and performance of drills or active or training duty.

SUBPART D—TRANSFERS

Transfers Between Classes of Naval Reserve

§ 6.4101 *Transfer of officers and enlisted men from Organized Reserve.* (1) Officers and enlisted men of the Organized Reserve, who are unable to conform to the requirements of that class by reason of their employment in Federal, State, or Municipal Governments, or in essential war industries, or who are deemed of greater benefit to the Navy in present employment than they would be if required to conform to the requirements of the Organized Reserve, shall be transferred to the class of the Volunteer Reserve for which qualified, or discharged.

(2) Men employed as ship or station-keepers shall be transferred to the Volunteer Reserve.

(3) No officer or enlisted man shall be transferred to another class of the Naval Reserve for a cause which would otherwise warrant discharge or other disciplinary action.

§ 6.4102 *Transfers of officers to Organized Reserve and Volunteer Reserve (General Service).* (1) Officers of the Volunteer Reserve (General Service) and class A-V (N) may be transferred to the Organized Reserve to fill vacancies in the Organized Reserve.

(2) Officers of the Volunteer Reserve (Special Service), other than class C-V (S), are not eligible for transfer to the Organized Reserve or Volunteer Reserve (General Service) unless they fulfill the same requirements as to age and physical and professional qualifications as are prescribed for the Organized Reserve, and then only in the ranks in which original appointments in the Organized Reserve are authorized, except that special consideration may be given to transfer in the rank and with the precedence which would have been attained had original appointment been made in the Organized Reserve.

(3) Officers of class C-V (S) may, upon qualification by professional and physical examinations, be transferred to class C-V (G) in grades not above lieutenant. A new commission with date of rank as determined by the Bureau of Navigation will be issued. Insofar as practicable, the date of rank shall be that which they would have attained had original appointment been made in the Volunteer Reserve (General Service).

(4) Officers of the Fleet Reserve and Merchant Marine Reserve shall not be transferred to the Organized Reserve, or Volunteer Reserve (General Service).

§ 6.4103 *Transfers of officers to Volunteer Reserve.* (1) Officers of the Organized Reserves may at their own request be transferred to the classes of the Volunteer Reserve for which qualified or they may be so transferred on account of failure or inability to fulfill the requirements of the Organized Reserve. When suitable officers of the Organized Reserve or Volunteer Reserve (General

Service) are available to fill the vacancies thereby created in the organizations to which attached, officers of the Organized Reserve shall be transferred to the Volunteer Reserve (General Service) upon arrival at the following age in grade:

Lieutenant commander.....	48
Lieutenant.....	43
Lieutenant (junior grade).....	38
Ensign.....	33

(2) Officers of the Merchant Marine Reserve may be transferred to the classes of the Volunteer Reserve (Special Service) for which qualified to fill vacancies in authorized quotas.

(3) Officers of the Volunteer Reserve (General Service) may be transferred to Special Service classes, or other general service classes for which qualified, to fill vacancies in authorized quotas. Applications for transfer to the Volunteer Reserve (Special Service) shall be submitted on the form which would be required for an original appointment. Action thereon shall likewise be such as may be prescribed in the case of an original appointment.

§ 6.4104 *Transfers of officers to Merchant Marine Reserve.* Officers of the Organized Reserve and Volunteer Reserve may be transferred to the Merchant Marine Reserve if qualified for that class.

§ 6.4105 *Transfer of officers—By whom effected.* All transfers of officers between classes of the Naval Reserve will be effected by the Bureau of Navigation upon the recommendations of the Commandants of naval districts and bureaus or offices concerned.

§ 6.4106 *Transfers of enlisted men between classes of Naval Reserve.* Commandants of naval districts are authorized to transfer enlisted men of the Naval Reserve from one class to another for which qualified, subject to following restrictions:

(a) Transfers to classes O-1 and O-2 shall be made to fill vacancies in rating and pay grade.

(b) Transfers to classes V-1, V-2, and V-3 shall only be made within procurement or mobilization quotas.

(c) Radiomen of class V-3 shall not be transferred to classes O-1 and V-1 but may be transferred to classes O-2 and V-2 if qualified by professional examination required by § 6.3709 and by physical examination for aviation duties as required by the Manual of the Medical Department, (available in the Bureau of Medicine and Surgery, Navy Department) paragraph 1539 (a) and (b) for unclassified persons ordered to duty involving flying.

(d) Men of classes V-4 and V-5, and those men of class V-6 ineligible on account of age for classes O-1, O-2, V-1, V-2, or V-3 at time of enlistment or who were transferred to class V-6 on account of lack of interest, shall not be transferred to classes O-1, O-2, V-1, V-2, or V-3 without specific authorization from the Bureau of Navigation.

(e) A man who was originally enlisted in some other class of the Naval Reserve in a rating higher than that authorized for first enlistments in the Organized Reserve, may not be transferred to fill a vacancy in the complement of an organization of the Organized Reserve in such higher rating unless he has qualified for the rating by examination.

(f) Enlisted men of the Fleet Reserve and Merchant Marine Reserve shall not be transferred to other classes of the Reserve without special authority from the Bureau of Navigation.

(g) No transfers will be made to class V-5 except upon special authority of the Bureau of Navigation.

Transfers Between Battalions, Divisions, and Squadrons, and Other Units

§ 6.4201 Officers of Organized Reserve.

(1) Commandants of naval districts are authorized to transfer officers of the Organized Reserve between battalions, divisions, and squadrons to fill vacancies.

(2) Copies of letters effecting such transfers shall be forwarded to the Bureau of Navigation.

§ 6.4202 Officers of Volunteer Reserve.

(1) Commandants of naval districts may transfer officers of the Volunteer Reserve from a unit of the Naval Reserve with which associated to another unit for voluntary training.

(2) Copies of letters effecting such transfers shall be forwarded to the Bureau of Navigation.

§ 6.4203 Enlisted men of Organized Reserve. Commandants of naval districts are authorized to transfer enlisted men of classes O-1 and O-2 between battalions, divisions, and squadrons to fill vacancies. Battalion commanders are authorized to transfer such men between divisions of the same battalion.

§ 6.4204 Enlisted men of Volunteer Reserve. Commandants of naval districts are authorized to transfer enlisted men of the Volunteer Reserve between battalions, divisions, and squadrons of the Organized Reserve, with which associated, between sections and units of the Naval Communication Reserve, and between zones and subzones of the Naval Intelligence Reserve. Battalion commanders are authorized to transfer such men between divisions of the same battalion.

§ 6.4205 Entries of transfers in service records. Appropriate entries of all transfers of enlisted men shall be made in their service records.

Transfers Between Naval Districts

§ 6.4301 Transfers of officers. (1) Upon change of permanent official residence of a Naval Reserve officer from one district to another, the Commandant of his naval district shall transfer him to the naval district indicated and shall transmit his records to the Commandant of the naval district to which transferred. A copy of the letter of transmittal shall be forwarded to the Bureau of Navigation, and in the case of a special service

or staff officer whose specialty is under the cognizance of a bureau or office of the Department, copies shall be forwarded to such office or Bureau and to the activity controlling mobilization assignment.

(2) When an officer of the Volunteer Reserve (Special Service) changes his official residence to another naval district, he will retain his mobilization assignment unless and until such assignment is changed by the Bureau of Navigation upon recommendation of the two districts or activities concerned. No change in procurement quota charge will result unless there is a corresponding change in the mobilization quota charge.

(3) Upon change of official residence to an address outside of the United States or its possessions, the officer's records shall be transmitted to the Bureau of Navigation via the Chief of Naval Operations (Office of Naval Intelligence).

§ 6.4302 Transfers of enlisted men. Upon change of permanent official residence from one district to another, the commandant of his naval district shall transmit by letter, the records of the man concerned to the Commandant of the naval district to which transferred. A copy of the letter of transmittal shall be forwarded to the Bureau of Navigation.

§ 6.4303 Transfers as affecting quota charges. (1) Except as provided in § 6.4301 (2), upon transfer to another naval district of an officer carried as a charge against the procurement quota of his former district, the quota charge shall be removed from the old district. The officer transferred shall be entered as a charge against the quota of the new district provided:

(a) The district mobilization quota is not exceeded thereby, and

(b) The services of the officer can be utilized on mobilization.

(c) If the foregoing conditions cannot be met, the Bureau shall be advised and instructions requested.

(2) In the event that transfer of enlisted men between districts causes procurement or allowed quotas to be exceeded, the new Commandant shall correct the excess by transfer between classes if so authorized by § 6.4106; if correction cannot thus be effected, the circumstances shall be reported to the Bureau of Navigation.

Transfers Between Ships and Stations

§ 6.4401 Officers performing active duty. Officers performing active duty in time of peace may be transferred from one ship or station to another only by the Bureau of Navigation.

§ 6.4402 Enlisted men performing active duty. Enlisted men performing active duty in time of peace may be transferred from one ship or station to another in the same naval district by the District Commandant. Transfers of such men to ships or stations of other districts may be made by the Com-

mandant only upon authority of the Bureau of Navigation in each case.

§ 6.4403 Officers and men performing training duty. (1) Officers and men performing training duty may be transferred from the ship or station in which the training was authorized, to another by the Commandant of the district or commanding officer who authorized the training, or by the senior officer present, provided no expense to the Government is involved, and their training can be more effectively carried on by reason of such transfer.

(2) The commanding officer of a ship or station is authorized to effect transfers without prior authority in cases of emergency.

[Subparts E to K, inclusive, will appear in the issue for Thursday, May 16, 1940.]

[F. R. Doc. 40-1897; Filed, May 11, 1940; 10:04 a. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 10 FOR THE LEATHER INDUSTRY

NOTICE OF HEARING

Whereas, the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on February 16, 1940, by Administrative Order No. 40,¹ appointed Industry Committee No. 10 for the Leather Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas, Industry Committee No. 10, on May 6, 1940, recommended a minimum wage rate for the Leather Industry and duly adopted a report containing said recommendation and reasons therefor and has filed such report with the Administrator on May 10, 1940, pursuant to section 8 (d) of the Act and § 511.19² of the Regulations issued under the Act; and

Whereas, the Administrator is required by section 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 10 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and, taking into consideration the same factors as are required to be considered by the Industry Committee, will

¹ 5 F.R. 715.

² 4 F.R. 2103.

carry out the purposes of section 8 of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 10 is as follows:

Wages at a rate of not less than forty (40) cents an hour shall be paid under Section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Leather Industry who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Leather Industry, as set forth in Administrative Order No. 40, issued February 16, 1940, is as follows:

(a) The manufacture of leather (including rawhide) from any type of hide or skin; the currying and finishing of leather and

(b) The manufacture of wetting and power transmission belting when made wholly or principally of leather.

The definition of the Leather Industry covers all occupations in the Industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations.

III. The full text of the report and recommendation of Industry Committee No. 10, together with dissenting statements filed by certain members thereof are available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, 120 Boylston Street.

New York, New York, 412 Federal Building, 641 Washington Street.

Buffalo, New York, 500 Gerrans Building.

Philadelphia, Pennsylvania, 1630 Widener Building.

Pittsburgh, Pennsylvania, 216 Old Post Office Building.

Newark, New Jersey, 1004 Kinney Building, 790 Broad Street.

Cleveland, Ohio, 728 Standard Building, 1370 Ontario Avenue.

Cincinnati, Ohio, 421 Keith Building, 525 Walnut Street.

Detroit, Michigan, 358 Federal Building.

Chicago, Illinois, 955 Merchandise Mart.

Indianapolis, Indiana, 708 Railway Exchange Building.

Richmond, Virginia, 215 Richmond Trust Building.

Baltimore, Maryland, Snow Building, 6th Floor, Calvert & Lombard Streets.

Washington, District of Columbia, Department of Labor, 5th Floor.

Atlanta, Georgia, 314 Witt Building, 249 Peachtree Street.

Birmingham, Alabama, 818 Comer Building.

Jacksonville, Florida, 225 Post Office Building.

Charlotte, North Carolina, 409 Johnston Building, 212 South Tryon Street.

Nashville, Tennessee, 119 Seventh Avenue, North.

St. Louis, Missouri, 100 Old Custom House, 815 Olive Street.

Kansas City, Missouri, 504 Title & Trust Building.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Denver, Colorado, 208 Old Custom House Building.

Dallas, Texas, 618-621 Wilson Building.

San Antonio, Texas, 716 Maverick Building.

New Orleans, Louisiana, 1512 Pere Marquette Building, 150 Baronne Street.

San Francisco, California, 785 Market Street.

Los Angeles, California, H. W. Hellman Building, 354 S. Spring Street.

Seattle, Washington, 206 Hartford Building.

San Juan, Puerto Rico, Box 112, Post Office.

Juneau, Alaska, D. B. Stewart, Commissioner of Mines.

Copies of the Committee's report and recommendation, together with the supplemental statements filed by certain members thereof, may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of Industry Committee No. 10 shall be approved or disapproved pursuant to Section 8 of the Act will be held on June 3, 1940, at 10:00 a. m. in Room 3229 Labor Building, Constitution Avenue at 14th Street NW., Washington, D. C. before Henry T. Hunt, Esquire, Principal Hearings Examiner of the Wage and Hour Division, United States Department of Labor, as presiding officer.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 10, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than May 31, 1940, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 10.

4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 10 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Leather Industry will be available for inspection by any interested person between the hours of 9 a. m. and 4:30 p. m. at the offices of the Wage and Hour Division listed in paragraph III above:

U. S. Department of Labor, Wage and Hour Division, Research and Statistics Branch, *Report on the Leather Industry, 1940.*

U. S. Department of Labor, Bureau of Labor Statistics, Division of Wage and Hour Statistics, *Earnings and Hours in the Leather and Leather Belting and Packing Industries, 1939.*

U. S. Department of Commerce, Bureau of the Census, Census of Manufacturers, *Leather and Its Manufactures, 1937.*

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Principal Hearings Examiner as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request made to the official reporter, Ward & Paul, 1706 L St. NW., Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing be-

fore him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered

by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based on such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no bind effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 14th day of May, 1940.

PHILIP B. FLEMING,
Administrator.

[F. R. Doc. 40-1953; Filed, May 14, 1940;
11:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 51-24]

IN THE MATTER OF WASHINGTON AND
SUBURBAN COMPANIES AND THE SYCAMORE COMPANY

SUPPLEMENTAL ORDER APPROVING AMENDED APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of May, A. D. 1940.

The Commission on December 28, 1939, after hearing, having entered an order pursuant to Rule U-12C-2 promulgated under the Public Utility Holding Company Act of 1935, approving upon certain conditions the distribution by Washington and Suburban Companies (hereinafter called "the trust") of 66,499 shares of common stock of Washington Gas Light Company as a liquidating dividend and reserving jurisdiction with respect to all other transactions proposed in the application herein;

The application, as amended prior to the entry of said order, having been subsequently amended by amendments filed on April 2, 1940, and May 8, 1940, and a further hearing having been had;

It appearing that the undetermined portion of said application as now amended requests the following:

(a) Approval, pursuant to Rule U-12C-2 promulgated under the Holding Company Act, of the transfer by the Trust to the holders of its preferred shares of beneficial interest, as a liquidating dividend, of all of the capital stocks of each of the following corporations, hereinafter sometimes collectively referred to as the "Tree Companies":

The Ashwood Company;
The Beechtree Company;
The Birch Company;
The Chestnut Company;
The Elmtree Company;
The Linden Company;
The Mahogany Company;
The Maplewood Company;
The Pinewood Company;
The Poplar Company;
The Sycamore Company;

said application, as amended, requesting that such approval be upon the condition that the Tree Companies be dissolved immediately after such transfer of their capital stocks and that the shares of capital stock of New York and Richmond Gas Company owned by them be concurrently distributed to the then holders of their capital stocks;

(b) An order of this Commission, pursuant to Section 5 (d) of the Holding Company Act, declaring that after the payment of said liquidating dividend Washington and Suburban Companies will have ceased to be a holding company.

It appearing to the Commission that the payment of said liquidating dividend should be approved upon the conditions hereinafter set forth, and the Commission having made and filed its Supplemental Findings and Opinion herein;

It is ordered, That said amended application be and it hereby is approved to the extent that payment of said liquidating dividend may be made by the Trust to the holders of its preferred shares of beneficial interest upon the following conditions:

(1) That written or telegraphic consents from all shareholders, in conformity with the declaration of Trust of

Washington and Suburban Companies and the laws of the Commonwealth of Massachusetts, be obtained before said liquidating dividend is paid:

(2) That said liquidating dividend shall be made only upon the condition that the Tree Companies be dissolved immediately after the distribution of the capital stocks of such companies by Washington and Suburban Companies, and that there be a concurrent distribution by the Tree Companies in liquidation thereof of the shares of capital stock of the New York and Richmond Gas Company owned by them;

(3) That within ten days after the payment of said liquidating dividend by Washington and Suburban Companies and the concurrent distribution by the Tree Companies in liquidation thereof of the shares of capital stock of the New York and Richmond Gas Company owned by them, Washington and Suburban Companies file with this Commission a certificate of notification showing that such liquidating dividends have been paid and that said Tree Companies have dissolved in accordance with the terms and conditions and for the purposes represented by the amended application.

Upon receipt of said certificate of notification an appropriate order will issue declaring said Washington and Suburban Companies to have ceased to be a holding company, and when such order shall become effective, the registration of the

applicant as a holding company shall cease to be in effect. Jurisdiction to enter such order is hereby reserved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1947; Filed, May 14, 1940;
11:12 a. m.]

[File No. 31-425]

IN THE MATTER OF AMERICAN GAS AND
ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of May, A. D. 1940.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on June 12, 1940, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be

shown why such declaration shall become effective.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before June 5, 1940.

The matter concerned herewith is in regard to said application filed by American Gas and Electric Company pursuant to Section 2 (a) (8) of said Act, for an order declaring American Gas and Electric Company not to be a subsidiary company of Electric Bond and Share Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 40-1946; Filed, May 14, 1940;
11:12 a. m.]

